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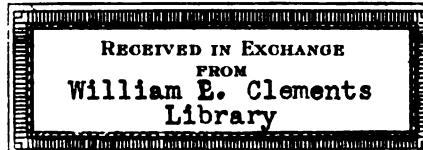
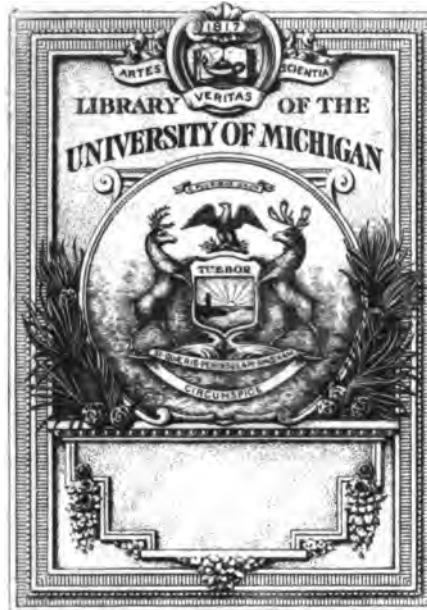
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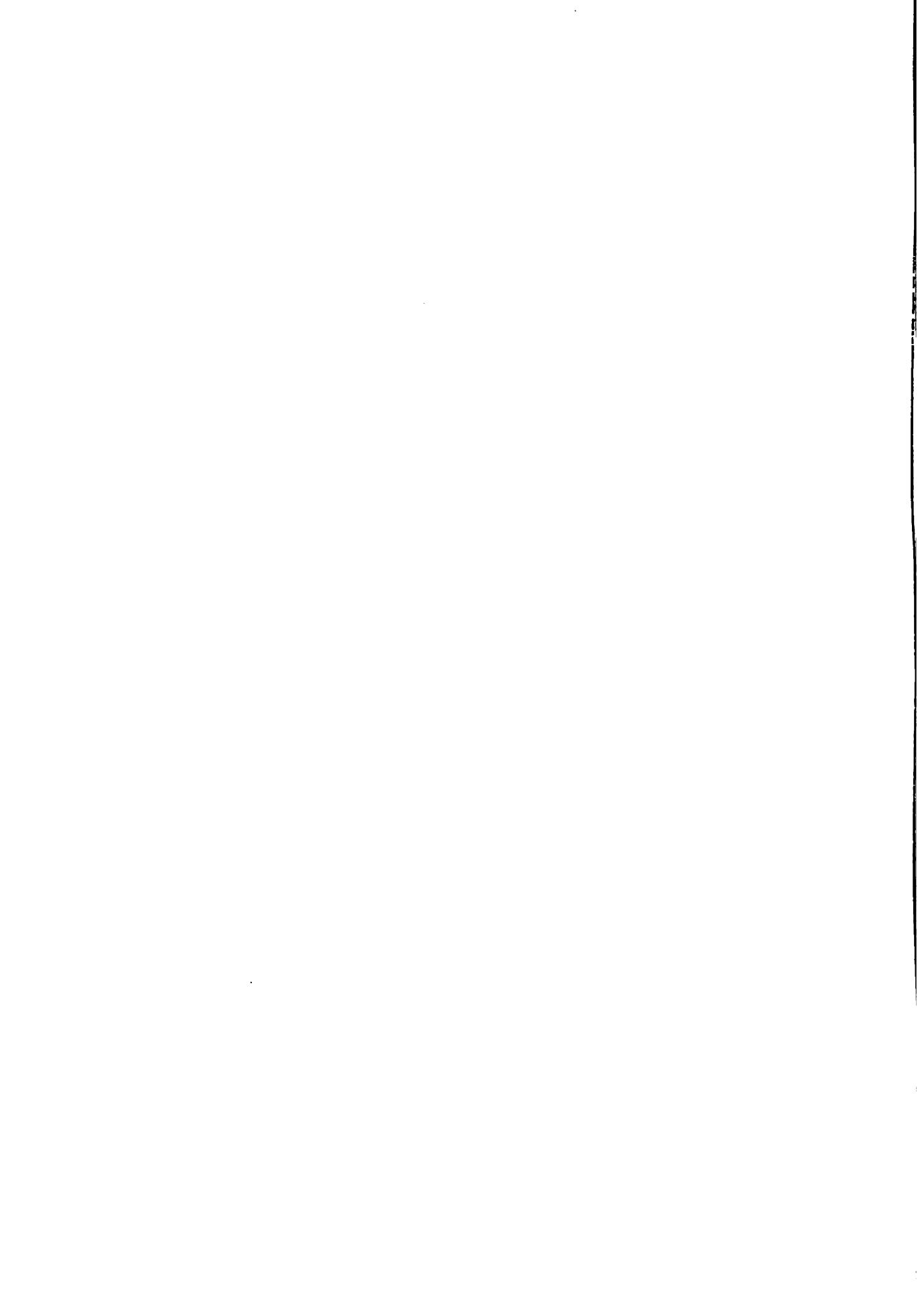
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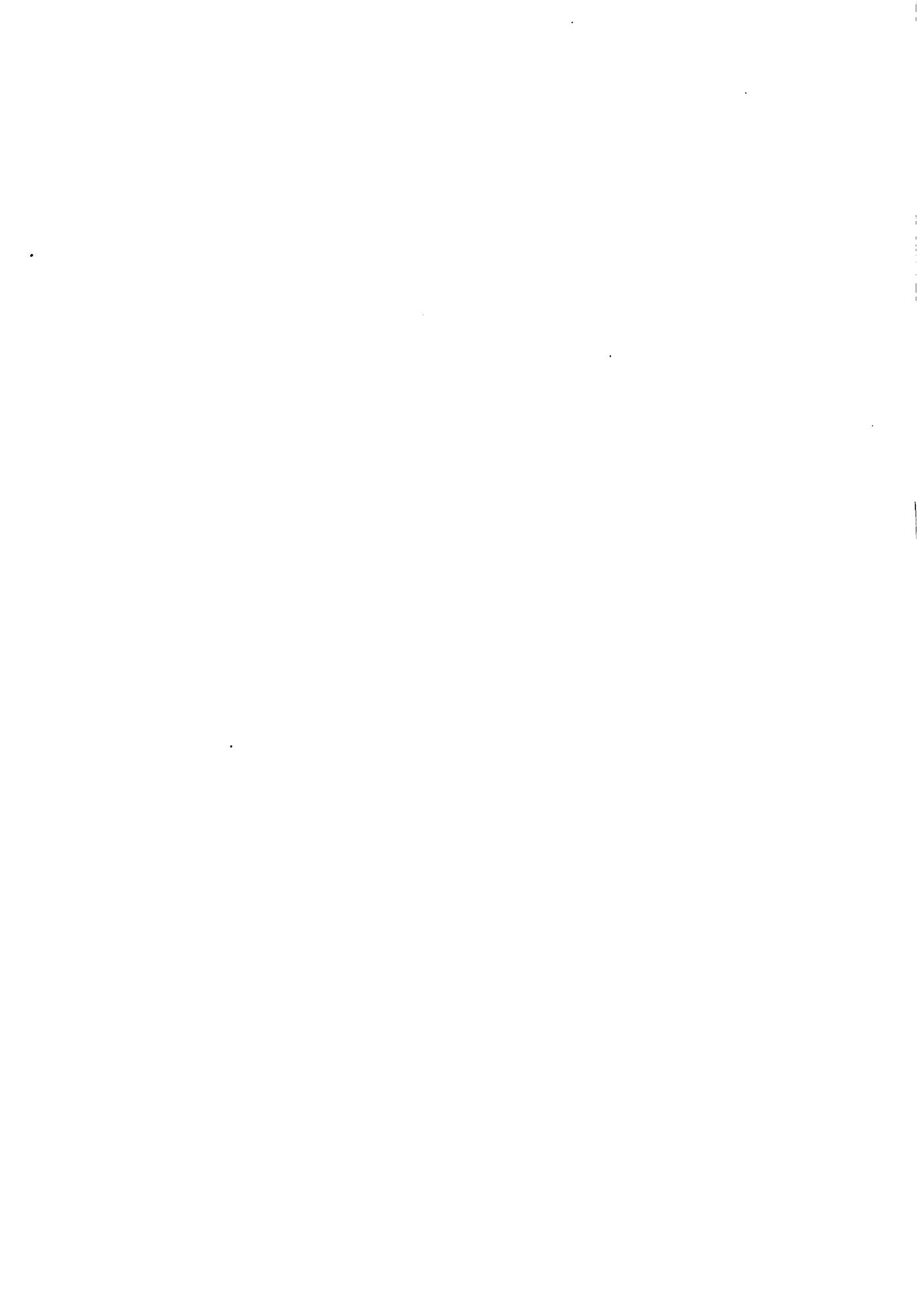
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JOURNALS OF THE  
CONTINENTAL CONGRESS

1774-1789

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## PREFATORY NOTE

In 1779 Congress, desiring greater publicity to its proceedings, provided for the issue of its Journal in weekly parts, and the experiment was continued till the end of the year. The expense was great, and the purpose of the publication could hardly have been attained, as the distribution was on a small scale, and, in truth, the general interest in what Congress did was not strong. The rarity of these weekly parts is eloquent on the subject, for there are hardly five complete sets in existence. Some matter appeared in them which was not included in the fifth volume of the Journal series.

Indeed, in the publication now made, at least one-half of the formal record of proceedings are printed for the first time, and, as usual, the reports will bring the new material to about three-fifths of the contents. Nearly all the warrants directed to be issued by the Board of Treasury and much of the Board of War resolutions were omitted, as well as matter which was regarded as of a temporary interest. The Secret Journals, foreign and domestic, were kept as records distinct from the ordinary journal of proceedings, and what they contained has been incorporated under the proper dates, thus swelling the contents. This has resulted in a duplication of the formal entries introducing the secret proceedings, a duplication explained by the necessity of showing what was recorded in all the Journals. The extracts from the Secret Journals are indicated by special indentation of type.

The incidents of the year were of high importance. Differences were threatened between Congress and the State of Pennsylvania over the conduct of Major General Arnold, requiring much skill to solve; the New Hampshire Grants were still alive with a spirit of opposition, and New York's pride and jealousy were involved; the western lands came forward as a delicate question through the action of Virginia, and the military events in South Carolina created grave anxieties in Congress. That body was still involved in its financial troubles, aggravated by a supposed need for calling in much of the paper money already issued, which had been counterfeited in quantities. This step, however well intentioned, produced much confusion without relieving in any degree the stress imposed by the rapid depreciation of all outstanding issues. The bills of credit and bills of exchange were the only sources of confederate revenue, and the increasing expenses, nominal rather than real, of carrying on the war compelled Congress to undertake the framing of a financial system that should promise development and permanency. The tendency was to throw every possible burden of supplies on to the States, and mere requisitions were proving an uncertain and dangerous support for the feeding and clothing of the army. The Congress was rapidly drifting toward bankruptcy, and only taxation, reduction of the outstanding currency or Federal sources of revenue could prevent such a catastrophe. The States were not prepared either to honor the requisitions, to tax themselves, or to create funds outside of their control. Their own situations were strong inducements against parting with any possible revenue they could obtain.

Progress was making toward better administrative machinery. The boards still had in their membership members of Congress, but the trend was more and more

toward bodies independently constituted and subject to the control of Congress. This meant greater efficiency and relieved Congress of much detail. The Marine Committee becomes the Board of Admiralty, and the powers of the Treasury officers are increased. The adoption of Steuben's *Regulations for the Order and Discipline of the Troops of the United States* marked a decided step toward an improved army. In military matters there was an increasing dependence on Washington, and the more serious problems concerning the army were considered by "Committees of Conference," who consulted the General, and reported to Congress. One record of these conferences exists, as follows:

SUNDAY, 31 JANUARY, 1779

At a Meeting of the Committee appointed by Congress to confer with the Commander in Chief.

Present,	Mr. Duane		In conference
	Mr. Laurens		with the Com-
	Mr. Root		mander in
	Mr. M. Smith		Chief.

A Letter from Colo. Gibson of one of the State Regiments of Virginia, setting forth that he had received no orders for reinlisting that said Regiment, and that the time for which the men were enlisted is daily expiring; that very few of the men were enlisted to serve during the war, and that they are willing to enlist on the same terms as the Troops from the State of Virginia, in Continental service, was read, and the said letter being referred to this Committee with powers to take such order thereon as they shall judge proper; It is also unanimously agreed that the Commander in Chief shall give orders for reinlisting the men belonging to the said Regiment for the war, allowing them the Continental bounty, and that if the State of Virginia shall incline to take the Regiment not so reinlisted into its own immediate service, it shall be at Liberty to do so, and in that case, the bounty money to be advanced out of the Continental Treasury, together with the expense of recruiting shall be returned.

It is further agreed, that if Colo. Smith and his Regiment raised for the service of the State of Virginia shall make a similar application to the Commander in Chief of the Army of these United States, the same measures in all respects be pursued with regard to that Regiment.

That a copy of this Resolution be delivered to the Commander in Chief, and the original lodged with the Board of War.<sup>1</sup>

Foreign affairs occupied much of the attention of Congress. The year opened with the injudicious blurting out of state secrets by Thomas Paine, for which he was disciplined by being dropped from all connection with Congress. The unfortunate controversies incident to the many-headed commission in Europe were brought to an end, in which reputations were damaged, careers blasted, and safety attained only at great sacrifices. The controversies were as influential in producing discord in Congress, and led to personal encounters involving serious charges and creating lasting ill-feeling. Yet the increasing importance of the French alliance, and the need of strengthening it were recognized, and the foreign intercourse was placed upon a sure and reasonable basis by the appointment of ministers acting under definite instructions. The possibilities of a peace with Great Britain were considered, and gave rise to some of the most important resolves of the year. The arrival of a French fleet was an assurance of effective military aid, and the grants of money by the French King constituted a welcome gift, not free from liability of abuse by awakening expectations of a continuance of such aids.

WORTHINGTON CHAUNCEY FORD

*Chief of Division of Manuscripts*  
*Editor*

HERBERT PUTNAM

*Librarian of Congress*

December 30, 1908

<sup>1</sup> Washington Papers, *Letters to Washington*, 92, folio 344.

# JOURNALS OF THE CONTINENTAL CONGRESS

1779

FRIDAY, JANUARY 1, 1779

A letter, of 31 December, from General Washington, was read, respecting Brigadier du Portail, and the engineers of his corps:<sup>1</sup>

Whereupon, the report from the Board of War to whom was referred a letter of 16 November last from General Washington on the same subject, was called for, and the same being taken into consideration, Congress came to the following resolutions:

Whereas General Washington has expressed his opinion of the merit and abilities of Brigadier General du Portail, as being well acquainted with the branch which he professes, and a gentleman of real knowledge in military science in general, and has a very favourable opinion of Messrs. la Radière, Laumoy, and de Gouvion, who have served with reputation as engineers in the army of the United States; and has represented that in his judgment they will be necessary and useful in future operations:

*Resolved*, That Brigadier du Portail, and Messrs. la Radière, Laumoy, and de Gouvion, be retained in the service of the United States as engineers for another

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 35.

campaign, if agreeable to their inclinations, and permission can be obtained therefor from his most Christian Majesty or his minister plenipotentiary.

*Resolved*, That the Board of War be directed to confer with Mons. Gérard on the subject, and in case Brigadier du Portail, and the other engineers shall conclude to remain in the service of the United States, that the Board report to Congress a proper arrangement and appointments for a corps of engineers:<sup>1</sup>

A letter, of 5 December, from Major General Gates was read, with sundry papers enclosed.

*Ordered*, That the same be referred to the Board of War.

A letter, of 27 August last, from Honorable John Adams, at Passy, was read.

A letter, of 6 December, from Stephen Ward was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three.

The members chosen: Mr. [William Henry] Drayton, Mr. [Thomas] Burke, and Mr. [John] Fell.

A letter from Governor Trumbull, of Connecticut, to the delegates of that State, and enclosing a copy of a memorial from officers of the line of that State, was laid before Congress, and read:<sup>3</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen: Mr. M[eriwether] Smith, Mr. [Jesse] Root and Mr. [Samuel John] Atlee.

A memorial from Captain Labadie was read.

The order of the day was called for; whereupon,

<sup>1</sup>This report, dated December —, 1778, is in the *Papers of the Continental Congress*, No. 147, II, folio 431. The members present were Roger Sherman, Francis Lightfoot Lee and Richard Peters.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 579.

<sup>3</sup>Trumbull's letter is in the *Papers of the Continental Congress*, No. 68, I, folio 438. The memorial is on folio 443. There are no signatures, and it is dated, Camp Fredricksburg, October 3, 1778.

A motion was made to re-consider the 9th proposition passed yesterday || relative to finance: || viz. That any of the bills of credit emitted by order of Congress prior to the year 1780, and no others, be received in payment of the said quotas.

~~On which the yeas and nays being required by Mr. [Thomas] Burke.<sup>1</sup>~~

After debate the determination of the question was postponed till to morrow, by the State of North Carolina.

*Resolved*, That the Committee of the Treasury be directed to give to the several states, the necessary information respecting the new emissions of bills for such as have been counterfeited, and to the commissioners of the loan offices, proper instructions relative to the indented certificates to be given for bills to be exchanged, and to the mode of transmitting such bills to the treasurer of loans:

That one-eighth per cent. be allowed to the commissioners of the loan offices on the amount of bills to be exchanged by them respectively, in lieu of all other expences attending the said business:

That it be recommended to the several states forthwith to adopt such measures as may be effectual for detecting persons employed in making counterfeit bills, or passing the same, knowing them to be such.

The committee appointed to confer with the Commander in Chief brought in a report, which was agreed to.

That the plan proposed by Congress for the emancipation of Canada, in co-operation with an armament from France, was the principal subject of the said conference.

<sup>1</sup>Here followed the names of the members, but the votes were not recorded.

That impressed with a strong sense of the injury and disgrace which must attend an infraction of the proposed stipulations on the part of these states, your committee have taken a general review of our finances; of the circumstances of our army; of the magazines of clothing, artillery, arms and ammunition; and of the provisions in store, and which can be collected in season. Your committee have also attentively considered the intelligence and observations communicated to them by the Commander in Chief, respecting the number of troops and strong holds of the enemy in Canada, their naval force, and entire command of the water communication with that country; the difficulties, while they possess so signal an advantage, of penetrating it with an army by land; the obstacles which are to be surmounted in acquiring a naval superiority; the hostile temper of many of the surrounding Indian tribes towards these states; and, above all, the uncertainty whether the enemy will not persevere in their system of harassing and distressing our seacoast and frontiers by a predatory war.

That, upon the most mature deliberation, your committee cannot find room for a well grounded presumption, that these states will be able to perform their part of the proposed stipulations. That, in a measure of such moment, and calculated to call forth, and divert to a single object, a considerable proportion of the force of our ally, which may otherwise be essentially employed, nothing less than the highest probability of its success could justify Congress in making the proposition.

Your committee are therefore of opinion, that the negotiation in question, however desirable and inter-

esting, should be deferred till circumstances shall render the co-operation of these states more certain, practicable, and effectual.

That the Minister Plenipotentiary of these states at the Court of Versailles, the Minister of France in Philadelphia, and the Marquis de la Fayette, be respectively informed, that the operations of the next campaign must depend on such a variety of contingencies, to arise as well from our own internal circumstances and distant resources as the projects and motions of the enemy, that time alone can mature and point out the plan which ought to be pursued. That Congress, therefore, cannot, with a degree of confidence answerable to the magnitude of the object, decide on the practicability of their co-operating the next campaign in an enterprise for the emancipation of Canada.

That every preparation in our power will nevertheless be made for acting with vigour against the common enemy, and every favourable incident be embraced with alacrity to facilitate and hasten the freedom and independence of Canada and her union with these states; events which Congress, from motives of policy with respect to the United States, as well as of affection to their Canadian brethren, have greatly at heart.

Your committee subjoin the draft of a letter to the above purpose to the Marquis de la Fayette; and not having completed the whole of the business committed to them, beg leave to sit again.<sup>1</sup>

*Resolved*, That Congress agree to the said report.

<sup>1</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 33, folio 265.

The letter to the marquis de la Fayette being read, was agreed to as follows:

SIR,

The Congress have directed me to inform you, that although the emancipation of Canada is a very desirable object, yet considering the exhausted state of their resources, and the derangement of their finances, they conceive it very problematical whether they could make any solid impression in that quarter, even on the uncertain contingency that the troops of Great Britain should evacuate the posts they now hold. More extensive and more accurate information than they formerly possessed have induced a conviction, that some capital movements meditated against that province are utterly impracticable from the nature of the country, the defect of supplies, and the impossibility of transporting them thither; to say nothing of the obstacles which a prudent enemy might throw in the way of an assailing army. Under such circumstances, to enter into engagements with their allies appears not only imprudent but unjust.

In any case, a perfect co-operation must depend upon a variety of incidents which human prudence can neither foresee nor provide for. Under the present circumstances it cannot be expected. The consequence then would certainly be, a misapplication, and possibly the destruction, of a part of the force of France; and that every force employed on a less hazardous expedition would equally call forth the attention of Great Britain, equally become the object of her efforts, and consequently give equal aid to the United States. Considering these, and other reasons of the like kind, Congress have determined, however flattering the object, not to risk a breach of the publick faith, or the injury of an ally, to whom they are bound by principles of honour, gratitude, and affection.

I am, &c.

H. L. President.<sup>1</sup>

The Board of War having reported specially on the case of Colonel Hogan's regiment, the same was taken into consideration; Whereupon,

<sup>1</sup>A letter, dated January 8, 1779, of the same purport, but quite different in language, is in the *Papers of the Continental Congress*, No. 14, folio 8. These proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

January, 1779

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That the said regiment (a very few excepted) is composed of drafts from the militia of North Carolina, whose times of service expire the begining of April next.

That there is no provision made for the supply of soldiers under the above description.

That as to the articles wanted by the regiment, some may be spared without inconvenience and others cannot without depriving the men enlisted during the war of them. Of coats vests and breeches there are more than are wanted; of hose a few may be spared, but shoes are scarce and not to be had but at most extravagant rates; and of blankets there is not nearly a supply for the troops at camp. The following resolution is however submitted to Congress.

*Resolved*, That the Board of War be directed to supply, on application of the delegates of North Carolina, to the men of Colonel Hogan's regiment, which chiefly consists of draughts from the militia of that State, such articles of cloathing as in the opinion of the Board may be spared from the continental stock, without detriment to the service; the articles received by the regiment by order of the Board to be charged to the said State.<sup>1</sup>

An appeal from the judgment of a Court of Admiralty for the State of Delaware on the libel Lieutenant Colonel Charles Pope &c. *vs* sloop *Sally*, formerly called *Betsy*, was lodged with the Secretary.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 2, 1779

Mr. [William] Floyd, a delegate from New York, attended and took his seat in Congress.

A letter, of 22 September last, from Governor Caswell, of North Carolina, by Colonel Chariol, was read.

A memorial of James Elliot was read:

<sup>1</sup>This report, dated December 26, 1778, is in the *Papers of the Continental Congress*, No. 147, II, folio 429.

*Ordered*, That it be referred to the Committee of Commerce.

A memorial of Colonel [Francis] Malmedie was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

A petition of John Donnell was read:

*Ordered*, That it be referred to a committee of three:

The members chosen: Mr. [Daniel] Roberdeau, Mr. [Jesse] Root, and Mr. [John] Fell.

A Report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Colonel John Beatty, commissary general of prisoners, for ten thousand dollars for the use of his department, for which he is to be accountable.

*Ordered*, That a warrant issue on the treasurer, in favour of the hon<sup>ble</sup> Gouverneur Morris Esq., for sixteen hundred dollars, for the use of the committee to prepare a publication, &c. for which the said committee is to be accountable.

That a warrant issue on the treasurer, in favour of the hon<sup>ble</sup> Gouverneur Morris Esq. one of the delegates of the State of New York, for two thousand dollars advanced upon his application, for which the said State is to be accountable.

*Ordered*, That the remainder of the report respecting a draught on Mons<sup>r</sup> Holker be recommitted.

A letter, of 21 August, from Hon. A. Lee, at Paris, was read.<sup>2</sup>

The committee, to whom was referred the memorial of Messrs. Penet and Couloux, respecting a manufacture of fire arms, &c, report,

<sup>1</sup>Caswell's letter is in the *Papers of the Continental Congress*, No. 72, folio 67; the memorial of Elliot is in No. 41, III, folio 25; and that of Malmedy is in No. 41, VI, folio 87.

<sup>2</sup>This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), II, 691.

"That the said Messrs. Penet and Couloux propose to establish a manufactory for making fire arms, side arms, &c. of all kinds, in some convenient place in some one of the United States, if they can have proper encouragement from Congress:

"They are willing to contract to make and deliver 100,-000 muskets with bayonets of the best kind, compleatly finished, at the price of 26½ livres a piece, to be paid in specie or other currency equivalent. That they will deliver 20,000 of the said arms by the expiration of two years and an half, and the residue within the term of six or seven years from the time of contracting: or if the whole number of muskets are not wanted, they will agree to make any other kind of fire arms or side arms, in lieu thereof, they to find all materials and be at the whole expence of making the arms:"

The committee further report,

"That in their opinion it will be beneficial to these states to have such a manufactory established, and that the terms proposed are reasonable." Whereupon,

*Resolved*, That the Board of War be authorized to contract with Messrs. Penet and Couloux for a suitable number of muskets, with bayonets of a proper size, and other arms, to be manufactured in these states, agreeable to the foregoing proposal.<sup>1</sup>

The delegates of Massachusetts bay produced credentials of their appointment which were read, as follows:

State of Massachusetts bay.

In the House of Representatives, Octr. 15, 1778.

Whereas the Honble. John Hancock, Samuel Adams, Elbridge Gerry, Fra: Dana, Jas. Lovell, Samuel Holten and Timo. Edwards, Esquires, are chosen and appointed to represent this State in the

<sup>1</sup>This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, V, folio 73.

American Congress for one Year, to commence on the first day of January next ensuing,

*Resolved*, That the above named Gentlemen, or any three of them, be and they are hereby fully empowered with the Delegates who are or may be appointed from the other American States to concert, direct and order such further measures, as shall to them appear best calculated for the establishment of Right and Liberty to the American States, upon a Basis permanent and secure, against the power and Art of the British Administration, for prosecuting the present War, concluding peace, contracting Alliances, establishing Commerce, and guarding against any future encroachments and Machinations of their Enemies, with power to adjourn to such times and places, as shall appear most conducive to the public safety and advantage.

And the Secretary is hereby directed as soon as may be to signify to each of those gentlemen their appointment, by furnishing each with an attested copy of this Resolve,

Sent up for concurrence.

JNO. PICKERING, *Speaker.*

In Council, Octr 15, 1778.

Read and concurred.

JNO. AVERY, *Deputy Sec<sup>r</sup>.*

Consented to by the major Part of the Council.

True Copy.

Attest JOHN AVERY, *D<sup>r</sup> Sec<sup>r</sup><sup>1</sup>*

The order of the day being called for:

The determination of the question for re-considering the 9th proposition, which was yesterday postponed at the request of a State, was called for, on which the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>Massachusetts Bay,</i>	
Mr. Whipple,	no	Mr. S. Adams,	no
Frost,	no	Gerry,	no

			no
		Lovell,	no
		Holten,	no

<sup>1</sup>The original is in the *Papers of the Continental Congress, Massachusetts, Credentials of Delegates.*

*January, 1779*

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<i>Rhode Island,</i>		<i>Maryland,</i>	
Mr. Ellery,	no } no	Mr. Paca,	ay } ay
<i>Connecticut,</i>		Henry,	ay }
Mr. Dyer,	no } no	<i>Virginia,</i>	
Ellsworth,	no }	Mr. F. L. Lee,	ay }
Root,	ay }	M. Smith,	ay }
<i>New York,</i>		<i>North Carolina,</i>	
Mr. Jay,	ay }	Mr. Penn,	ay }
Floyd, excused, not		Hill,	ay }
having been present	div.	Burke,	ay }
at the debate,		<i>South Carolina,</i>	
Lewis,	no }	Mr. Laurens,	ay }
<i>New Jersey,</i>		Drayton,	ay }
Mr. Witherspoon,	no }	Hutson,	ay }
Scudder,	no }	<i>Georgia,</i>	
Fell,	no }	Mr. Langworthy,	ay } ay
<i>Pennsylvania,</i>			
Mr. Roberdeau,	no } no		

So it passed in the negative.

A report from the Board of Treasury was read; Whereupon,

*TREASURY OFFICE, January 2, 1779.*

The Committee on the Treasury, having taken into consideration the memorial of Francis Hopkinson Esq<sup>r</sup>., Treasurer of Loans, and of B. P. Smith, Thomas Eddison and George Bond Assistants in the Secretary's Office, beg leave to Report:

That during the continuance of the high prices of the necessaries of life, the Salary of the Treasurer of Loans be increased to three thousand, five hundred dollars per annum.<sup>1</sup>

That the Clerks of the Treasury, Marine Committee, Board of War and Secretary's Office be allowed each Six dollars p<sup>r</sup>.  
~~Postponed—4<sup>th</sup>~~  
~~20 March.—~~ day, and to draw annually the same Articles of Clothing from the Cleathier General, paying on delivery thereof the same prices as shall be stipulated for regimental officers.

<sup>1</sup> The original report fixed the sum at four thousand dollars.

The Committee beg leave to report the following Resolution:

That agreeable to an application of the Board of War and Ordnance,

*Postponed— Agreed 4th Feby, 1778.* a Warrant issue in favor of their Paymaster, Joseph Carleton on the Treasurer, for Fifty Thousand Dollars for contingent expenses; the said Paymaster to be accountable.<sup>1</sup>

*Resolved*, That the farther consideration of the report be postponed.

The Board of Treasury brought in a draught of a preamble for the resolutions agreed to, which was read and agreed to, and sundry verbal amendments being made in the resolutions, the whole is as follows:<sup>2</sup>

Whereas, these United States, unprovided with revenues, and not heretofore in a condition to raise them, have, in the course of the present war, repeatedly been under the necessity of emitting bills of credit, for the redemption of which the faith of these United States has been solemnly pledged, and the credit of which their honor and safety, as well as justice, is highly concerned to support and establish; and, whereas, to that end, it is essentially necessary to ascertain the periods of their redemption, and seasonably to establish funds which, in due time, without distressing the people, shall make adequate provision for the same: and whereas, in apportioning the payments for the said fund, it is expedient that an extra sum be called for the current year, both on account of the present ease of paying it, and to reduce the surplus in circulation; therefore,

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 1. It is endorsed: "First part agreed to. Two last paragraphs postponed, January 2."

<sup>2</sup>In the printed *Journals* this paragraph read as follows:

"The Board of Treasury having, pursuant to orders, selected from the journals the resolutions respecting the calling in certain emissions, and providing a fund for sinking the bills of credit emitted by Congress, and prepared a preamble thereto, reported the same, and sundry verbal amendments being made in the resolutions, the whole was agreed to as follows."

*Resolved*, That these United States be called on to pay in their respective quotas of 15,000,000 of dollars for the year 1779, and of 6,000,000 of dollars annually for 18 years, from and after the year 1779, as a fund for sinking the emissions and loans of these United States, to the 31 day of December, 1778, inclusive:<sup>1</sup>

That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid:

That any of the bills emitted by order of Congress, prior to the year 1780, and no others, be received in payment of the said quotas:

That the bills received on the said quotas, except those for the year 1779, be applied first for the payment of the interest, and secondly, of the principal of loans made by these United States prior to the year 1780, and that the residue, together with those received on the quotas of the year 1779, be not re-issued but burned and destroyed, as Congress shall direct.

And, whereas, many counterfeits have appeared in circulation, of various denominations, of the emissions of May 20, 1777, and April 11, 1778, and counterfeits of those emissions have lately been issued by our enemies at New York, and are found to be spreading and increasing fast in various parts of these United States, whereby individuals are defrauded, prices enhanced, and the credit of the paper currency greatly injured; and it is

<sup>1</sup> In the *Papers of the Continental Congress*, No. 38, III, folio 511, is an undated motion, in the writing of Oliver Ellsworth, to this effect:

"That to preserve the faith of these United States, and establish the credit of their paper currency, they be called on to pay in, as a sinking fund, for their Emissions and Loans antecedent to the year 1780, their respective quotas of 15,000,000 Dollars in the year 1779, of 13,000,000 Dollars in the year 1780, of 11,000,000 Dollars in the year 1781, of 9,000,000 Dollars in the year 1782, and of 7,000,000 dollars annually from and after the year 1782, until the expiration of 18 years."

become necessary for the security of individuals and safety of the public, that those two emissions should cease to be a circulating medium, and should be called in and exchanged, or otherwise provided for, as soon as may be, with convenience to the present holders; therefore,

*Resolved*, That the following bills be taken out of circulation, namely, the whole emissions of May 20, 1777, and April 11, 1778:

That they be brought in for that purpose in the manner hereafter provided, by the first day of June next, and not afterwards redeemable:

That they be received for debts and taxes into the continental treasury, and into the state treasuries for continental taxes, until the first day of June next:

That they be received, until the first day of June next, into the continental loan offices, either on loan or to be exchanged, at the election of the owners, for other bills of like tenor, to be provided for that purpose:

That the bills lodged in the said offices to be so exchanged, be there registered, and indented certificates thereof given to the owners by the respective commissioners of the said offices:

That the commissioners of the loan offices make returns to the Treasury Board immediately after the first day of June next, of the amount of the bills received in their respective offices to be exchanged as aforesaid, and that proper bills to exchange the same be furnished, and ready to be delivered out at their said offices, within sixty days from and after the said first day of June.

That the first mentioned bills, as they are brought into the treasuries and loan offices, be immediately crossed and struck through with a circular punch, of one inch diameter, to be afterwards examined and burned, as Congress shall direct.

A motion was made, the whole resolutions as above agreed to be published, on which the yeas and nays being required, by Mr. M[eriwether] Smith

<i>New Hampshire,</i>		<i>New Jersey,</i>	
Mr. Whipple,	no } no	Mr. Witherspoon,	ay } ay
<i>Massachusetts Bay,</i>		Scudder,	ay } ay
Mr. S. Adams,	ay } ay	<i>Pennsylvania,</i>	
Gerry,	ay }	Mr. Roberdeau,	ay } ay
Holten,	ay }	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Carmichael,	ay } div.
Mr. Ellery,	ay } ay	Henry,	no }
Collins,	ay }	<i>Virginia,</i>	
<i>Connecticut,</i>		Mr. F. L. Lee,	ay }
Mr. Dyer,	ay } ay	M. Smith,	no }
Ellsworth,	ay }	Griffin,	ay }
Root,	ay }	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Hill,	ay }
Mr. Jay,	ay } ay	Burke,	ay }
Duane,	ay }	<i>Georgia,</i>	
Floyd,	ay }	Mr. Langworthy,	ay } ay

So it was resolved in the affirmative.

*Ordered,* That the Board of Treasury prepare a circular letter to the states, to accompany the foregoing resolutions.

The committee to whom was referred the letter from A. Clark, respecting the conduct of Brigadier Maxwell, brought in a report.

The Committee to whom were referred the letter from Abraham Clark, Esq<sup>r</sup>, and the depositions enclosed therein, beg leave to Report:

That it appears to your Committee that Brigadier General Maxwell is charged on Oath with Misdemeanors, which amount to a high contempt of the Civil Authority of the State of New Jersey, but that the testimony is *ex parte*.

That the trial should be by the powers declared competent by the Laws of New Jersey, where the Offence is supposed to be committed.

Wherefore your Committee are of opinion, that General Washington be directed to order another Officer to the Command on which

General Maxwell now is, and to order General Maxwell to remain in the State of New Jersey, without any particular Command, until the further order of Congress, and that General Washington give notice thereof to the Governor of the said State.

Your Committee are of opinion that it would be premature to take any other resolution relative to General Maxwell, until the issue of a legal trial by his country shall be known.<sup>1</sup>

The committee, to whom was referred the Memorial of Lieutenant Colonel Eleazer Oswald praying for leave to resign his Commission, having according to order conferred with Colonel Oswald thereon, beg leave to submit the following Resolution,

*Resolved*, That Lieutenant Colonel Oswald's Resignation be accepted agreeable to the prayer of his Memorial; and that the Congress entertain a high sense of his merit and services.<sup>2</sup>

Adjourned to 10 o'Clock on Monday.

**MONDAY, JANUARY 4, 1779**

Mr. W[illiam] Shippen, a delegate from Pennsylvania attended and took his seat in Congress.

A letter, of 20 December, from Major General Sullivan, was read, enclosing the proceedings and sentences of two general Court Martials on William Crossing and others convicted of marauding, &c.<sup>3</sup>

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. [William] Ellery and Mr. [Samuel John] Atlee.

Letter, of 11 December, from Governor W. Greene, of Rhode Island.

<sup>1</sup>This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 19, IV, folio 1. It is endorsed: "January 30. Postponed to Monday, February 1." It is printed in *Pennsylvania Archives*, VII, 138.

<sup>2</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, IV, folio 491.

<sup>3</sup>Sullivan's letter is in the *Papers of the Continental Congress*, No. 160, folio 219; the courts martial proceedings are on folios 225 and 229.

A letter and memorial from Captain Mauleon:  
Referred to the Board of War.

Memorial from Colonel de la Balme was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.  
A letter of this day from Mr. Silas Deane, was read.<sup>2</sup>

After debate, The Order of the day was called for.

On motion, *Resolved*, That a committee to consist of a member from each State be appointed to apportion the quotas of the taxes called for and to be paid by the several States the current year, for redeeming the continental bills of credit emitted by Order of Congress:

The members [chosen] Mr. [William] Whipple, Mr. [Samuel] Holten, Mr. [John] Collins, Mr. [Jesse] Root, Mr. [James] Duane, Mr. [Nathaniel] Scudder, Mr. [James] Searle, Mr. [Thomas] McKean, Mr. [William] Paca, Mr. [Meriwether] Smith, Mr. [Thomas] Burke, Mr. [Henry] Laurens, and Mr. [Edward] Langworthy.

*Ordered*, That the committee sit on the business this afternoon, and report to morrow.

The Marine Committee, to whom was referred the Memorial of Josiah Smith Surgeon, and others, late of the *Revenge* Cutter, Captain Cunningham, beg leave to report as their opinion: That Captain Cunningham, the Commander of Said Cutter, be directed forthwith to repair to this City or any other place where Congress may be sitting, and render an account of his Conduct during his command of the said Cutter, in pursuance of complaints exhibited against him by divers of his officers and crew.

Jany. 4, 1779.<sup>3</sup>

<sup>1</sup> The letter of Greene is in the *Papers of the Continental Congress*, No. 64, folio 422; Mauleon's letter is in No. 78, XV, folio 429, and his memorial, in No. 41, VI, folio 83; that of La. Balme, dated January 1, is in No. 41, I, folio 188.

<sup>2</sup> This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 9.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 37, folio 165. It is endorsed by Thomson: "Report of Marine Committee Jany. 15, 1779. The memorial of Jo. Smith and others on which the within Report is founded was delivered to Mr. S. Adams for the Marine Com<sup>t</sup>. Feby. 10, 1779 Obsolete."

Congress resumed the consideration of the letter from Mr. Deane. After debate,  
Adjourned to 10 o'Clock to Morrow.<sup>1</sup>

TUESDAY, JANUARY 5, 1779

A letter, of 3, from the Marquis of Brétigny, was read.  
*Ordered*, That tomorrow be assigned for taking into consideration the report of the committee on the memorial of the Marquis de Britigny.

A letter, of 2, from Mr. R. Bache, postmaster general was read: Whereupon,<sup>2</sup>

*Ordered*, That it be referred to the committee for superintending and regulating the post office, and,

That three members be added to the said committee:  
The members chosen: Mr. [William] Paca, Mr. [William] Ellery, and Mr. [Henry] Laurens.

A letter from Lieutenant Colonel Fleury, was read:  
Whereupon,

*Resolved*, That Mons. Fleury be informed that Congress do not think it proper to apply to the minister of France in his behalf, though they should be pleased with his continuance in the service of the United States, if he can himself obtain leave for that purpose.

A memorial from Mons. [Alexander] O'Neil was read, tendering his service, and desiring to be employed in General Pulaski's corps: Whereupon,

<sup>1</sup>"An election for choosing a representative in General Assembly for the city of Philadelphia comes on tomorrow, and the laws require that it be held at the State House, which will render the sitting of Congress in the room they now occupy not only inconvenient to Congress, but also to the Inspectors and Judges of the Election. This you will please to represent in Congress, and if you shall think proper to mention that the Assembly room is at the service of Congress for that day, should they choose to adjourn there." *Joseph Reed to Pennsylvania Delegates in Congress*, 4 January, 1779.

<sup>2</sup>The letter of Brétigny is in the *Papers of the Continental Congress*, No. 78, III, folio 229; that of Bache, in No. 61, folio 15.

*Resolved*, That Congress have a grateful sense of the offer of Mr. O'Neil's services, but that they cannot accept of the said offer.

A letter, of 27 December, from Major General Schuyler, was read,<sup>1</sup> representing, that "the attention which the duties of his office required whilst he was in command, left him no leisure to pay any to his private affairs; that the derangement which this has occasioned was greatly augmented by the devastation the enemy committed on his estate, and that his losses have been so very capital, that it is a duty he owes to his family to devote most of his future time to attempt a re-establishment; that to accomplish this would be impossible if he continued in public life, that he therefore wishes to retire, and most respectfully entreats Congress to accept of his resignation." Whereupon,

A motion being made, that his resignation be accepted; after debate,

*Resolved*, That the farther consideration thereof be postponed. To which it was moved to add,

That the President confer with the Commander in Chief on the expediency of accepting Major General Schuyler's resignation, and report his written answer: on which the yeas and nays being required by Mr. [James] Lovell,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple,	no } no	Mr. Dyer,	no } no
Frost,	no }	Root,	no }
<i>Massachusetts Bay,</i>		<i>New York,</i>	
Mr. Gerry,	no }	Mr. Jay,	ay }
Lovell,	no }	G. Morris,	ay }
Holten,	no }	Lewis,	ay }
<i>Rhode Island,</i>			
Mr. Ellery,	no }		
Collins,	no }		

<sup>1</sup>The memorial of O'Neil is in the *Papers of the Continental Congress*, No. 41, VII, folio 216; the letter of Schuyler is in No. 153, III, folio 396.

<i>New Jersey,</i>		<i>Virginia,</i>	
Mr. Witherspoon,	no	Mr. F. L. Lee,	no
Scudder,	no } no	M. Smith,	ay } ay
Fell,	ay	Griffin,	ay
<i>Pennsylvania,</i>		<i>North Carolina,</i>	
Mr. Shippen,	no	Mr. Penn,	ay
Atlee,	ay } no	Hill,	no } no
Searle,	no	Burke,	no
<i>Maryland,</i>		<i>South Carolina,</i>	
Mr. Paca,	ay	Mr. Laurens,	no
Carmichael,	ay } ay	Drayton,	no } no
Henry,	no	Hutson,	no
		<i>Georgia,</i>	
		Mr. Langworthy,	ay } ay

So it passed in the negative.

The order of the day was called for: Whereupon,

The committee to whom was referred the proportioning of the quotas which the several states are to pay of the 15,000,000 of dollars recommended to be raised by taxes in the year 1779, brought in a report: Whereupon,

*Resolved*, That the several states raise by taxes respectively as follows, for their quotas of the 15,000,000 of dollars for the year 1779:

New Hampshire,	500,000
Massachusetts Bay,	2,000,000
Rhode Island and Providence Plantations,	300,000
Connecticut,	1,700,000
New York,	800,000
New Jersey,	800,000
Pennsylvania,	1,900,000
Delaware,	150,000
Maryland,	1,560,000
Virginia,	2,400,000
North Carolina,	1,090,000
South Carolina,	1,800,000
<del>Georgia, being invaded, is hereafter to raise her proportion</del>	
	15,000,000

*Resolved*, That the said several sums, or any greater sums which shall be paid by any of the states, into the continental treasury, shall be placed to their respective credits on interest, on the same terms as are set forth in the resolution of Congress, passed November 22, 1777.<sup>1</sup>

A memorial from the hon<sup>ble</sup>. Sr. Gérard, minister of France, respecting an offer he has made in regard to the payment of a sum of Money to Mr. de Beaumarchais, in compensation for the supplies furnished by the United States to the fleet of his most Christian Majesty.<sup>2</sup>

*Ordered*, To lie on the table for the perusal of the members.

Another memorial from the Minister of France, was read, respecting sundry passages in two newspapers annexed, of the 2 and 5 of this month.<sup>3</sup>

*Ordered*, That the consideration thereof be postponed till to-morrow.

#### WEDNESDAY, JANUARY 6, 1779

A letter, of 20 December, from Major General Sullivan to General Washington was laid before Congress, and read;<sup>4</sup> enclosing an intercepted letter and sundry papers of intelligence;

*Ordered*, That the same be returned to the General.

The delegates for Maryland laid before Congress a declaration of that State relative to the Confederation, and a resolution relative to the treaty of commerce and

<sup>1</sup> This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 42, V, folio 85.

<sup>2</sup> This memorial is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 9.

<sup>3</sup> This memorial is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 11.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 160, folio 215.

treaty of alliance between France and the United States, which were read:<sup>1</sup> Whereupon, a motion was made. After debate,

*Ordered*, That the consideration thereof be postponed.

A letter, of this day, from Thomas Paine, was read:<sup>2</sup> Whereupon,

The order of the day on the memorial from Mr. Gérard was called for, and the said memorial being read:

*Ordered*, That Mr. John Dunlap, printer, and Mr. Thomas Paine, attend immediately at the bar of this House.

Mr. John Dunlap attending, was called in, and the newspapers of the 2 and 5 January, entitled, "Pennsylvania Packet or General Advertiser," being shewn to him, he was asked whether he was the publisher; to which he answered, yes:

He was then asked who is the author of the pieces in the said papers, under the title "Common Sense to the public on Mr. Deane's affairs;"

To which he answered, Mr. Thomas Paine: he was then ordered to withdraw.

Mr. Thomas Paine attending, was called in, and being asked whether he was the author of the pieces in the Pennsylvania Packet or General Advertiser of January 2 and 5, 1779, under the title "Common Sense to the public on Mr. Deane's affairs;" he answered, He was the author of those pieces: he was then ordered to withdraw.

The memorial of Mr. Gérard and the offensive passages in the pieces entitled "Common sense to the public, &c" referred to in the said memorial, were read; Whereupon a motion was made. After debate,

*Resolved*, That all the late publications in the General Advertiser, printed by John Dunlap, relative to American foreign affairs, are ill

<sup>1</sup>This declaration is in the *Papers of the Continental Congress*, No. 70, folio 298.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 55, folio 1.

judged, premature and indiscreet; and that as they must in general be founded on very partial Documents, and consequently depend much on conjecture, they ought not by any means to be considered as justly authenticated.

*Resolved*, That Congress never has given occasion for or to sanction to any of the Said publications.

*Resolved*, That Congress never has received any species of Military Stores as a present from the Court of France, or from any other Court or persons in Europe.<sup>1</sup>

*Resolved* that a Committee be appointed to enquire into the Truth of the assertions contained in the publications under the signature of Common Sense, in Dunlaps paper of the 2<sup>d</sup> and 5<sup>th</sup> instant and pointed at by the Minister of France in his Memorial, and that they report to this House the Evidence thereof.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 7, 1779

Mr. Thomas Adams, a delegate from Virginia, attended, and took his seat.

A letter from Christ. Hele, of the 4, was read.

*Ordered*, To lie on the table.

A letter, of 6, from Marquis de Brétigny, was read.

A letter of this day from Thomas Paine was read:<sup>3</sup> Whereupon, the subject under debate yesterday immediately before adjournment was called for, and a motion was made for leave to withdraw the motion under debate yesterday; which being granted, the following set of resolutions were moved, viz.

*Resolved*, That all the late publications in the General Advertiser, printed by John Dunlap, relative to American

<sup>1</sup>This motion, in the writing of Nathaniel Scudder, is in the *Papers of the Continental Congress*, No. 36, IV, folio 123.

<sup>2</sup>This resolution, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 55, folio 22 $\frac{1}{2}$ .

<sup>3</sup>Hele's letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 393; that of Brétigny is in No. 78, III, folio 247; and that of Paine, in No. 55, folio 5.

foreign affairs, are ill judged, premature and indiscreet, and that as they must in general be founded on very partial documents, and consequently depend much on conjecture, they ought not by any means to be considered as justly authenticated.

*Resolved*, That Congress never has given occasion for, or sanction to, any of the said publications:

*Resolved*, That Congress never has received any species of military stores as a present from the Court of France, or from any other court or persons in Europe:

*Resolved*, That Mr. Thomas Paine for his imprudence ought immediately to be dismissed from his office of secretary to the Committee for Foreign Affairs, and the said Committee are directed to dismiss him accordingly, and to take such further steps relative to his misapplication of public papers as they shall deem necessary.<sup>1</sup>

In amendment, and as a substitute to the foregoing, the following set of resolutions was moved: viz.

Whereas, Thomas Paine, secretary to the Committee for Foreign Affairs, hath acknowledged himself to be the author of a piece in the Pennsylvania Packet of January 2, 1779, under the title of Common Sense to the public on Mr. Deane's affairs, in which is the following paragraph, to wit, "If Mr. Deane or any other gentleman will procure an order from Congress to inspect an account in my office, or any of Mr. Deane's friends in Congress will take the trouble of coming themselves, I will give him or them my attendance, and shew them in a hand writing, which Mr. Deane is well acquainted with, that the supplies he so pompously plumes himself upon were promised and engaged, and that, as a present, before he even arrived in France; and the part that fell to Mr. Deane was only to see it done, and how he has performed that service the

<sup>1</sup> This motion, in the writing of Nathaniel Scudder, is in the *Papers of the Continental Congress*, No. 38, IV, folio 133.

public are now acquainted with." The last paragraph in the account is "upon Mr. Deane's arrival in France the business went into his hands, and the aids were at length embarked in the *Amphitrite*, *Mercury* and *Seine*." And, whereas, the said Thomas Paine hath also acknowledged himself to be the author of a piece in the succeeding Packet of January 5, 1779, under the same title, in which is the following paragraph, to wit, "and in the second instance, that those who are now her allies, prefaced that alliance by an early and generous friendship, yet that we might not attribute too much to human or auxiliary aid, so unfortunate were these supplies, that only one ship out of the three arrived; the *Mercury* and *Seine* fell into the hands of the enemy:"

*Resolved*, That the insinuation contained in the said publications, that the supplies sent to America in the *Amphitrite*, *Seine* and *Mercury* were a present from France,<sup>1</sup> is untrue:<sup>2</sup>

*Resolved*, That the publications above recited tend to impose upon, mislead and deceive the public:

*Resolved*, That the attempt of the said Thomas Paine to authenticate the said false insinuation, by referring to papers in the office of the Committee for Foreign Affairs, is an abuse of office:

*Resolved*, That the said Thomas Paine be, and he hereby is, dismissed from his said office.<sup>3</sup>

<sup>1</sup> In the margin Thomson here added: "or that France prefaced her alliance with those United States with any supplies."

<sup>2</sup> These paragraphs to this point in the writing of James Duane are in the *Papers of the Continental Congress*, No. 55, folio 15. The last paragraph continued: "Congress being possessed of the fullest evidence that they were procured from private persons in the course of trade."

<sup>3</sup> This set of resolutions, with the preamble, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 15, folio 17. A somewhat similar motion in the writing of John Penn is on folio 23. It is indorsed as presented January 6, and withdrawn on the 7th.

Another [a third] set of resolutions was moved as an amendment of and substitute to both the foregoing sets, viz.

That Congress are deeply concerned at the imprudent publication of Mr. Thomas Paine, secretary to the Committee of Foreign Affairs, referred to by the Minister of France in his memorial of the 5th instant, and are ready to adopt any measure consistent with good policy and their own honor, for correcting any assertions or insinuations in the said publications, derogatory to the honor of the Court of France:

That a committee be appointed to consider the said memorial and paragraphs referred to, that they confer with the Minister of France on the subject, and report as soon as may be.<sup>1</sup>

In lieu of the whole, the following resolution was moved as an amendment, to wit,

Whereas, exceptionable passages have appeared in Mr. Dunlap's Pennsylvania Packet, of the 2d and 5 instant, under the character of Common Sense; and Thomas Paine, secretary to the Committee of Foreign Affairs, being called before Congress, avowed his being the author of those publications:

*Resolved*, That Thomas Paine be summoned to appear before Congress at eleven o'clock to morrow, and be informed what those exceptionable passages are, and called upon to explain and to shew by what authority he made the said publications, in order that Congress may take proper measures relative thereto.<sup>2</sup>

The previous question was moved on the last amendment; Whereupon, the sense of the House was taken,

<sup>1</sup>These two paragraphs, in the writing of Elbridge Gerry, are in the *Papers of the Continental Congress*, No. 55, folio 33.

<sup>2</sup>This resolution, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 55, folio 34}. A somewhat similar motion, in the writing of James Duane, is in No. 36, IV, folio 138a.

whether the previous question is in order on an amendment:

Question put, passed in the negative.

On the question put to substitute the last resolution as an amendment to the whole, the yeas and nays being required by Mr. G [ouverneur] Morris,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple,	ay } ay	Mr. Roberdeau,	ay }
<i>Massachusetts Bay,</i>		Atlee,	no } ay
Mr. Gerry,	no }	Searle,	ay }
Lovell,	no }		
Holton,	ay }		
<i>Rhode Island,</i>			
Mr. Ellery,	ay	<i>Delaware,</i>	
Collins,	div.	Mr. M'Kean,	ay } ay
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Dyer,	ay }	Mr. Paca,	no }
Root,	ay }	Carmichael,	no }
<i>New York,</i>		Henry,	ay }
Mr. Jay,	no }		
Duane,	no }	<i>Virginia,</i>	
G. Morris,	no }	Mr. T. Adams,	no }
Lewis,	no }	F. L. Lee,	ay }
<i>New Jersey,</i>		M. Smith,	no }
Mr. Witherspoon,	no }	<i>North Carolina,</i>	
Scudder,	no }	Mr. Penn,	no }
Fell,	no }	Hill,	no }
		Burke,	no }
		<i>South Carolina,</i>	
		Mr. Laurens,	ay }
		Drayton,	no }
		Hutson,	no }
		<i>Georgia,</i>	
		Mr. Langworthy,	no } no

So it passed in the negative.

*Resolved*, that the assertions and insinuations in the passages contained in the publication under the Title of "Common Sense to the public on M<sup>r</sup> Deane's affair" published in the Pennsylvania packet of [2nd] in the words following to wit:

and in a continuation of the same published in the same paper of [5th] in the words following to wit:

Are groundless.

That the Secretary furnish Thomas Paine, who yesterday at the Bar confessed himself to be the author of said publications, with copies of the said passages, and that the said Thomas Payne be directed to attend this House on the      day of      , to answer for misbehavior in his Office of Secretary to the Committee for foreign affairs in publishing the said passages.<sup>1</sup>

That a copy of the Instrument, presented to Congress by the Minister of France, may be transmitted to Thomas Payne, Esq, agreeably to his application.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

**FRIDAY, JANUARY 8, 1779**

A letter, of this day, from Thomas Paine, was read, resigning his office of secretary to the Committee of Foreign Affairs, and in which are the following words, "finding by the journals of this house of yesterday that I am not to be heard,"<sup>3</sup> &c. Whereupon,

A member desired to be informed how Mr. Paine had acquired that knowledge, and the secretary was desired to inform the House whether Mr. Paine had access to the journal; the secretary answered, that Mr. Paine had not seen the journal of yesterday, nor had any other person had access to it since the last adjournment, as he had himself taken it home last night, and brought it with him to Congress this morning, so that even the clerks in the office had not seen the minutes of yesterday, and that since the last adjournment he had not seen Mr. Paine, nor communicated the proceedings of Congress to any person whatever.<sup>4</sup>

<sup>1</sup>This motion, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 55, folio 31. It is endorsed "Mr. Burke's motion on T. Paine's affair, January 7, 1779, withdrawn."

<sup>2</sup>This motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 55, folio 34. It is endorsed January 7, "withdrawn."

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 55, folio 9.

<sup>4</sup>On folio 21, in the writing of Charles Thomson, is the following preamble: "Whereas it appears to the satisfaction of this house that Mr. Paine had no access to the journal, and that his letter of [ ] was grounded upon information from a member of this house, Resolved,"

A motion was then made, that Mr. Thomas Paine, secretary to the Committee of Foreign Affairs, be directed immediately to attend at the bar of this house, to answer to certain questions respecting the contents of his letter to the President of Congress of this day.<sup>1</sup>

After debate, a substitute was moved as follows:

That the members of this house be separately examined by the President on their honour, whether they have communicated the resolutions of yesterday to Mr. Thomas Paine, and if so, in what manner they have made such representation.<sup>2</sup>

After debate, when the question was about to be put, Mr. Laurens arose and declared that he had informed Mr. Paine that a motion had been made for hearing him to morrow at eleven o'Clock, which had been seconded; that the yeas and nays had been taken thereon, and passed in the negative: and that he referred him to Mr. Thomson for a sight of the journal, which would inform him more certainly; and he was persuaded Mr. Thomson would readily show him the journal.<sup>3</sup>

<sup>1</sup>This motion, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 36, IV, folio 127. It is noted by Thomson as "seconded and supported by Mr. Laurens."

<sup>2</sup>This motion, in the writing of Eliphalet Dyer, is in the *Papers of the Continental Congress*, No. 36, IV, folio 127.

<sup>3</sup>This statement, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 36, IV, folio 125. A summary of the proceedings of this day, in the writing of Thomas Burke, with interlined phrases by William Henry Drayton, is in the *Papers of the Continental Congress*, No. 36, IV, folio 129, and is as follows:

"Resolved That the following facts happened on Friday last, upon the reading of the letter from Thomas Payne wherein are the following expressions, 'Finding by the Journals of this House of yesterday, that I am not to be heard.'

"A member desired to be informed how M<sup>r</sup> Payne had acquired that knowledge and the Secretary was desired to answer whether he had access to the Journals the Secretary declared that no person had access to the Journals since the last adjournment.

"It was then moved that every member declare, whether he gave any intelligence to M<sup>r</sup> Payne relative to the proceedings of yesterday; and, if any was given, what that intelligence was. Whereupon the Hon. Henry Laurens, Esq<sup>r</sup> declared that he had related to M<sup>r</sup> Payne from his memory, as nearly as he could, the proceedings which related to him; but at the same time referred him to the Journals for certainty; and that he had not told M<sup>r</sup> Payne that he was not to be heard."

*Resolved*, that the Journals of this House contain no Determination of Congress denying to Mr. Thomas Paine a Hearing.<sup>1</sup>

*Resolved*, That Congress, by their resolution of the 7<sup>th</sup> Ins<sup>t</sup> did not intend, nor is it to be understood they meant to preclude Thom<sup>s</sup> Payne from the privilege of being heard in his defence, upon the matters alledged against him, previous to their passing any final resolution thereon; <sup>2</sup> especially, as said resolution of the 7<sup>th</sup> passed in the negative from considerations of propriety on a point of order. And that the President in the name of Congress be directed to ask pardon of M<sup>r</sup> Payne for having offended him.<sup>3</sup>

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, JANUARY 9, 1779**

Sundry reports from the Board of Treasury were read;  
Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of William Young, steward of the President of Congress, for eight thousand dollars, the said William Young to be accountable.<sup>4</sup>

*Ordered*, That upon the application of the delegates of the State of North Carolina, a warrant issue in their favour on the treasurer, for twenty thousand dollars, to enable them to pay an allowance of sundry articles made by the State, as a gratuity to their battalions in the continental service; and for the further sum of eight hundred and eight dollars and 70/90, for discharging a pay roll of sundry militia officers in camp at the expence

<sup>1</sup> A motion, in the writing of John Jay, in the *Papers of the Continental Congress*, No. 55, folio 25.

<sup>2</sup> It was first proposed to add the following: "and that the Assertion contained in the letter of the said Thomas Payne of yesterday is false and groundless," but the words are struck out.

<sup>3</sup> This last phrase is in the writing of Gouverneur Morris. This motion, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 36, IV, folio 105a.

<sup>4</sup> This report, dated January 8, is in the *Papers of the Continental Congress*, No. 136, III, folio 23a.

of the said State; for both which sums, amounting to 20,808 70/90 dollars, the said State [is] to be accountable.

That a warrant issue on the treasurer in favour of the Board of War and Ordnance, on their application, for eighty seven thousand six hundred and twenty one dollars and 72/90; of which, twenty four thousand eight hundred and thirty six dollars and 60/90 are for a purchase made by Colonel Pickering of sundry arms, accoutrements and necessaries for the army; the residue, being 62,785 12/90 dollars, is for the payment of linen purchased by the Board, who are to be accountable for the sum first mentioned.<sup>1</sup>

*Ordered*, That a warrant issue on the treasurer in favour of the hon<sup>m</sup> Nathaniel Scudder, Esq, one of the delegates of the State of New Jersey, for five hundred dollars, advanced upon his application; for which the said State is to be accountable.

That a warrant issue on the treasurer in favour of the paymaster of the Board of War and Ordnance, for twenty three thousand dollars, to be paid to Captain George Rice, of Virginia, in full of his contract for building barracks in Albemarle county in that State; the said paymaster to be accountable.

That upon the application of the Board of War and Ordnance, a warrant issue on the treasurer, for one hundred thousand dollars, in favour of Colonel Benjamin Flower, commissary general of military stores, for the use of his department; for which he is to be accountable.<sup>2</sup>

*Ordered*, That a warrant issue on the treasurer, in favour of Major General Greene, quarter master general,

<sup>1</sup>This report, dated January 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 5.

<sup>2</sup>This report, dated January 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 11.

for one million of dollars, for the use of his department; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Jeremiah Wadsworth Esq., commissary general of purchases, for two millions and five hundred thousand dollars, for the use of his department; for which he is to be accountable.<sup>1</sup>

*Ordered*, That the managers of the lottery receive the bills of the emission of May 20, 1777, and April 11, 1778, in payment for lottery tickets.

The Commissioners of Claims report,

That there is due to William Govett, his pay as deputy auditor general, from 25 of April, 1777, to the 2d of November, 1778, inclusive, two thousand two hundred and seventy one dollars.

*Ordered*, That the said account be paid.

In consequence of an adjustment by the Commissioners of Claims, the auditor general reports:

That there is due to Christopher Ludwig, his pay as baker general and sundry disbursements, from the first of March to the first of November, 1778, two thousand eight hundred and nineteen dollars and 8/90ths.

That there is due to the officers and privates of Colonel Lewis Nicola's regiment of invalids, their pay and subsistence for the month of October last, the sum of eighteen hundred and twenty-four dollars and 52/90ths.

That there is due to Andrew Burkhardt and Company, their account for an American atlas furnished Congress, one hundred dollars.

That there is due to his Excellency Governor Livingston, for expences attending business relating to the quarter master's department and other matters, forty-five dollars.

<sup>1</sup>This report, dated January 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 15.

That there is due to Thomas Eddison, his pay as clerk in the Secretary's office, from the first November to 31 December, 1778, inclusive, two hundred dollars.

That there is due to George Bond, for his service as clerk in the Secretary's office, from the 12 October to 31 December last inclusive, two hundred and sixty nine dollars and 60/90ths.

That there is due to Robert Patton, his pay as door-keeper to Congress, from the 13 October to the 31 December last inclusive, and for extra service, three hundred and fifty seven dollars.

That there is due to William Hurrie, for his services as door keeper to Congress, from 30th September to the 31 December last inclusive, and for extra pay, and cash advanced for sundries, three hundred and fifteen and 81/90 dollars.

That there is due to James Brown, his account for sawing wood for the use of Congress, eighteen dollars and 60/90.

That there is due to Charles Disher, his pay as commissary of stores, under instructions from the Council of Pennsylvania, from the 11 of March to the 23 October, 1778, inclusive; and for cooperage and storage of flour for the public service, five hundred and seventy five dollars and 6/90ths.

That there is due to Captains Fearer [Führer] and Kleinsmeit, of the German volunteers, for their pay, from the 3d day of September to the 5th of December, 1778, inclusive, together with one month's extra pay and subsistence, and for bounty, enlisting expences, and pay of two sergeants, a ballance of three hundred and ninety seven dollars and 30/90ths.<sup>1</sup>

<sup>1</sup>This report, dated January 7, is in the *Papers of the Continental Congress*, No. 186, III, folio 19.

*Ordered*, That the said accounts be paid.

The Board of Treasury, to whom was referred the Memorial of Colonel de la Balme, brought in a report; Whereupon,

*Resolved*, That the prayer of the said memorial be not granted.<sup>1</sup>

A letter, of 6th, from the Board of War, was read: Whereupon,

*Resolved*, That a battalion consisting of 600 men, properly officered, be forthwith raised on continental establishment in Virginia, for the space of one year from the time of their enlistment, unless sooner discharged, under the direction of the governor and council of that State, who are hereby empowered to appoint the officers of the said battalion out of those of the Virginia line, who have been left out of the late arrangement of the continental army, as far as their numbers will reach: the regiment to consist of one lieutenant colonel commandant and captain, one major and captain, six captains, one captain lieutenant, seven lieutenants, nine ensigns, one surgeon, one surgeon's mate, eight companies of 75 men each, including corporals, three sergeants, one drum and one fife to each company:

That these troops be stationed at, and not removed (except to such distances as the duty of that post may require) from the barracks in Albemarle county, as guards over the convention troops; that they receive the usual pay of the continental army, and a suit of cloaths as a bounty to each non-commissioned officer and private:

That as soon as the said regiment shall be so far completed as to be able to do the duty of the post, the militia now in the service there be discharged.

<sup>1</sup> This report, dated January 7, is in the *Papers of the Continental Congress*, No. 138, III, folio 28.

The Board are informed that this regiment might be very soon completed if orders for that purpose were now issued, as the people of that country are apprehensive of a draft to serve in the continental army, to avoid which they would enlist on the condition of being stationed at the barracks and not subject to be ordered to camp.<sup>1</sup>

A letter, of 31 December, 1778 from Major General Putnam to General Washington was laid before Congress and read; also<sup>2</sup>

A letter, of the 7th, from the Board of War, and One, of the 3, from Colonel Beatty, commissary of prisoners, were read.<sup>3</sup>

*Ordered*, That they be referred to the committee appointed to confer with General Washington.

A letter, of 8, from Colonel Wadsworth, commissary general of purchases, was read.

*Ordered*, That it be referred to the committee appointed to superintend [the] commissary's and quartermaster's departments.

A memorial from Lieutenant W[illiam] Macpherson, was read.<sup>4</sup>

*Ordered*, That it be referred to the Board of War.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 5.

<sup>2</sup>"Congress have also been pleased to refer to us General Putnam's Letter, which is sent that we may have the Benefit of your Thoughts upon it when we meet. For the same Reason I transmit the papers referred to us concerning the French Engineers. Your Excellency will perceive the high Tone in which they consider and represent their Services and their Importance. Congress do not see the Necessity or even Reasonableness of altering the mode they adopted, it appearing to them to be sufficiently honourable and respectful: But as they are determined not to weaken your Hands in a Branch that may be essentially injured by the Retirement of all the Gentlemen skilled in it, they have reserved it as a Subject of our Conference." *Duane to Washington*, January 10, 1779. *Washington Papers. Letters to Washington*, 30, folio 74. The Engineer papers were probably called out by the resolutions passed January 1, 1779. A letter of Du Portail to the Board of War, dated January 7, 1779, offering the services of the engineers, is in the *Papers of the Continental Congress*, No. 147, III, folio 9.

<sup>3</sup>The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, III, folio 18; that of Beatty, in No. 78, III, folio 233.

<sup>4</sup>This memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 93.

A memorial from John Henderson and Ichabod Holloway was read.

*Ordered*, That it be referred to the Committee on Appeals.

A letter from Lieutenant Colonel de Crenis was read, accompanied with certificates in his favour, and requesting a certificate from Congress.<sup>1</sup>

*Ordered*, That the President give Lieutenant Colonel Crenis such certificate as he shall judge him entitled to.

A letter from B. P. Smith, T. Eddison and George Bond was read, requesting the decision of the House on a report from the Board of Treasury, in their favour for an augmentation of salary.

*Ordered*, That the Secretary inform them that Congress will take up the report as soon as time and other pressing business will admit.

A memorial from Colonel Haussegger was read:<sup>2</sup> whereupon a report from the Board of War of September 18, 1778, was taken into consideration; and, thereupon,

*Resolved*, That the commissary general of prisoners be furnished with money, from time to time, by the Treasury Board, for the purpose of subsisting the officers and soldiers of the United States while in captivity and in the actual possession of the enemy, and to accommodate them with sufficient sums, on account, to defray their travelling expences to their homes or regiments:

That the accounts of all prisoners who shall hereafter be released from captivity, for the pay and subsistence due to them while in the actual possession of the enemy, be received and adjusted by the said commissary general, who, after charging them with the moneys he shall have supplied them, shall certify the sums due thereon to the

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 299.

<sup>2</sup>This memorial, dated January 8, is in the *Papers of the Continental Congress*, No. 41, IV, folio 47.

pay master general, the deputy pay master general of any military department, or pay master of the Board of War and Ordnance, as shall be most convenient for the prisoners respectively, which sums shall be paid by the said pay masters upon warrants to be given for the same, as usual for other payments by them made:

That the accounts of all prisoners heretofore released from captivity for their pay and subsistence, while in the actual possession of the enemy, and of all prisoners whatsoever, for all matters previous and subsequent thereto, be, and they are hereby, directed to be settled by the commissioners of accounts at camp, or those where Congress shall sit, according to the convenience of the prisoners respectively, each board communicating their settlements to the other, to prevent mal-practices or mistakes:

That all officers, while they continue prisoners on parole, shall receive their pay and subsistence of the pay master general or deputy pay master general of the department in or nearest to which they reside, by warrant from the Commander in Chief or general officer commanding in the department, or of the pay master to the Board of War and Ordnance, by warrant from the Board; these subordinate pay masters to transmit accounts monthly to the pay-master general of all such payments:

That, for defraying the expences of officers and soldiers released from captivity, on their way home, or to join their regiments, the said commissary general of prisoners, and commissioners of accounts respectively, in settling the accounts aforesaid, make an allowance of one day's pay and rations for every twenty miles such officers and soldiers had or have to travel to their homes, in case of the expiration of their time of service, or release on parole, or if otherwise, to join their regiments:

That the pay master general and other persons, having already paid or advanced moneys to prisoners, send accounts thereof immediately to the aforesaid commissioners of accounts:

That the commissary general of prisoners be allowed a clerk to enable him to perform the extra duty above assigned him, to assist him in the usual business of his department, and perform the duties and receive the pay and rations of a deputy commissary of prisoners.

Congress proceeded to the election of brigadiers, when, by general consent,

Colonel Hogan was put in nomination as a brigadier for the North Carolina troops; and, the ballots being taken, Colonel Sumner, Colonel Hogan, and Colonel Huger, were elected brigadiers.

*Resolved*, That a brigadier be elected for the Maryland troops:

By general consent Colonel Gist was nominated by the delegates of Maryland.

And the House by general consent, having agreed to proceed to ballot, and the ballots being taken,

Colonel M. Gist was elected a brigadier.

~~A member having in his place given the house information respecting certain frauds supposed to be committed by persons entrusted with the transacting the commercial affairs of these United States, as he observed~~

~~Ordered, That the member reduce the information to writing, and lay the same on the table.~~

The hon. Henry Laurens, Esq. with the leave of the House, rose in his place to remark on a paragraph in the Pennsylvania Packet, of this day, which he conceived might make unfavourable impressions against him, and in the course of his observations on the said paragraph, related some things which he had, he said, mentioned in

Congress at York town, which tend to raise a suspicion of fraudulent proceedings to the detriment of the public, by the house of Willing, Morris, & Co. or Willing & Morris; Whereupon,

*Ordered*, That the said member be requested to reduce the above relation to writing, and lay it on the table.<sup>1</sup>

Congress resumed the consideration of the letter of the 8th, from Thomas Paine; Whereupon,

*Resolved*, That the determination of the question of the 7th instant, for substituting the last amendment in lieu of all the sets of resolutions moved prior to it, on which the yeas and nays were called for by Mr. G[ouverneur] Morris, did not imply, nor can it be justly construed to imply, that Congress had determined that Mr. Thomas Paine was not to be heard.

On this the yeas and nays being required by Mr. G[ouverneur] Morris,

<i>New Hampshire,</i>		<i>New Jersey,</i>	
Mr. Whipple, Frost,	no excused } no	Mr. Scudder, Fell,	ay } ay
<i>Massachusetts Bay,</i>		<i>Pennsylvania,</i>	
Mr. Gerry, Lovell, Holten,	ay ay } ay ay }	Mr. Searle, Atlee,	ay } ay
<i>Rhode Island,</i>		<i>Delaware,</i>	
Mr. Ellery, Collins,	no ay } div.	Mr. Shippen, McKean,	ay } ay
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Dyer, Root,	ay ay } ay	Mr. Paca, Carmichael,	ay } ay
<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay, Duane, Lewis, G. Morris,	ay ay } ay ay }	Mr. T. Adams, F. L. Lee, M. Smith, Griffin,	ay no } ay ay }

<sup>1</sup> This paper, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 36, IV, folio 113. A second copy, with a few verbal differences, in the writing of Gouverneur Morris, is in No. 55, folio 29.

<i>North Carolina,</i>			<i>Georgia,</i>	
Mr. Penn,	ay		Mr. Langworthy,	ay } ay
Hill,	ay	ay		
Burke,	ay			
<i>South Carolina,</i>				
Mr. Laurens,	excused			
Drayton,	ay	ay		
Hutson,	ay			

So it was resolved in the affirmative.

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 11, 1779

~~After the reading of the journal of Saturday,~~

~~A motion was made that a state of facts, reduced to writing which happened in Congress on Friday last, after the reading of the letter from Thomas Paine of the same day, be entered on the journal in the blank which the Secretary left until, as he mentioned on Saturday, he received the order of Congress.~~

~~After debate, ordered that the consideration of that matter be postponed.~~

A memorial from the hon<sup>ble</sup> S<sup>r</sup> Gérard, of the 10th, was read:<sup>1</sup>

*Ordered*, That the subject under debate on Thursday ||last|| be immediately taken into consideration.

And the question being put to substitute the third set of resolutions in lieu of the two foregoing, passed in the negative.

On the question to substitute the second set of resolutions in the room of the first, resolved in the affirmative.

~~The first resolution of the second set was then read: and taken into consideration, to which the following was moved, as an amendment, viz:~~

<sup>1</sup>This memorial is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 16.

~~That Congress has at no time received any supplies of any kind as a present from the Court of France.~~

~~Question put on the amendment,~~

~~Resolved in the affirmative.~~

~~Question put to agree to the same as a resolution,~~

~~Resolved, unanimously, in the affirmative.~~

~~Resolved, that the consideration of the remaining propositions be postponed.~~

That the Secretary of Congress be directed to furnish M<sup>r</sup> Thomas Payne with a copy of the exceptional Paragraph in the two public Papers on which he was yesterday questioned at the Bar of this House.<sup>1</sup>

A letter, of 29 December, from Major General Gates, was read.<sup>2</sup>

Mr. [Henry] Laurens having reduced to writing the relation he gave to Congress on Saturday last, read the same in his place, and laid it on the table according to order.

11 JANUARY, 1779.

Some time in the course of last winter, while Congress was sitting at York Town, M<sup>r</sup> Laurens being in conversation in the Congress Room with the Honb<sup>e</sup> Francis Lewis, Esq<sup>r</sup> on the subject of the Secret Committee's books and accounts, and the public commercial affairs in general, M<sup>r</sup> Lewis intimated that there had in several instances, been sad doings, some of which he mentioned generally, one instance M<sup>r</sup> Lewis particularized nearly in the following terms:

I'll tell you one extraordinary affair. There was a large Ship Laden with tobacco (I think he said about 470 Hhds); the bills of loading for that cargo were filled up consigned to the order of either Willing & Morris, or Willing, Morris & Co, I cannot be certain which. M<sup>r</sup> Morris was asked, how the property of the Cargo would appear? He replied, that would appear at a proper time, or words to that effect. The vessel was taken by the enemy as she was going out, after which it appeared that there was only I think eleven Hhds., but in a subse-

<sup>1</sup>This motion, in the writing of Nathaniel Scudder, is in the *Papers of the Continental Congress*, No. 55, folio 27. It is endorsed "January 9, 1779, withdrawn."

<sup>2</sup>This letter is in *Papers of the Continental Congress*, No. 154, II, folio 41.

quent conversation M<sup>r</sup> Lewis said, (if I remember right) 23 or 27 Hhds. on private account, and all the rest on public. M<sup>r</sup> Laurens replied, good God, Sir, is it possible? I am glad you have not enjoined me to secrecy. If you had I believe I should have mentioned this circumstance, for it ought not to be kept secret. Justice to the public as well as to M<sup>r</sup> Morris requires it should not—or words of the same meaning and import.

M<sup>r</sup> Lewis and M<sup>r</sup> Laurens continued in conversation on the same topic, in which M<sup>r</sup> Lewis heightened M<sup>r</sup> Laurens's suspicions by frequent repetitions, that the Commercial affairs had been sadly conducted.

Some days after the conversation abovementioned, the books of the Secret Committee being a subject of debate in Congress, M<sup>r</sup> Laurens (being then President) begged leave to be heard. He expressed his astonishment at the long detention of those books, which were then in the hands of the Honb<sup>le</sup> Robert Morris, Esq<sup>r</sup> at Manheim, and were wanted or said to be wanted by the Commercial Committee. He said, that according to his ideas of the Nature of those books, admitting the entries had been properly made in the waste book, he would undertake to post up the whole in nine days, or would forfeit two of his fingers. He added that he wished for the adjustment of the books and their return the more earnestly, because of a circumstance which had come to his knowledge; and then briefly related what he had heard from M<sup>r</sup> Lewis, as abovementioned. M<sup>r</sup> Lewis was then standing in a window at the left of and nearly touching the presidents chair. M<sup>r</sup> Laurens turning himself to M<sup>r</sup> Lewis added, pointing with his left hand, and I have now in my eye the honorable Gentlemen from whom I received the information.

M<sup>r</sup> Lewis, after the adjournment of Congress, called on M<sup>r</sup> Laurens, and said, I am very sorry you mentioned that affair in Congress. Why so, Sir? said M<sup>r</sup> Laurens, you know I told you I would mention it at the first proper opportunity. Justice to all parties required that I should do so. M<sup>r</sup> Lewis answered, because I had intended to mention it to M<sup>r</sup> Morris himself the first proper opportunity.

The above writing contains substantially the truth of every Article and matter therein referred to. I do not presume to aver the several conversations are related verbatim.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This paper, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 19, IV, folio 208.

TUESDAY, JANUARY 12, 1779

A letter, of 9, from the Board of War, directed to the Committee of Commerce, was read.

*Ordered*, That it be referred back to the Committee of Commerce.

A letter, of 9, from Marquis de Brétigny, was read;<sup>1</sup> Whereupon,

*Ordered*, That the report on the memorials of the Marquis de Brétigny be recommitted, and that this letter be referred to the said committee.

A letter, of 10, from Doctor Shippen, Director General, was read:

*Ordered*, That it be referred to the Medical Committee.

*Ordered*, That two members be added to the said committee.

The members chosen, Mr. [Thomas] Burke and Mr. T[homas] Adams.

A letter, of 25 December last, from Admiral Gambier, was read;<sup>2</sup> Whereupon,

A motion was made:

*Ordered*, That the letter and motion be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Thomas] Burke, and Mr. [William Henry] Drayton.

A letter, of 1, from Major De Bois, was read.<sup>3</sup>

*Ordered*, That it be referred to the Board of War, and that the Board be instructed to inform him that Congress cannot, consistent with the present arrangement of the army, employ him agreeably to his wishes.

A letter, of 2, from Captain James Willing, on board the *Ardent*, directed to the Committee of Commerce, and

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 251.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 85.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, II, folio 318.

a letter, of 19 September, from John Bonfield, at Bordeaux, by the *Arnold Packet*, were read, with an invoice of goods enclosed in the latter.

*Ordered*, That the foregoing letters be referred to the Committee of Commerce.

A letter, of 19 December, from the Commissioners of Claims, was read:<sup>1</sup>

*Ordered*, to lie on the table.

A letter, of this day, from General Washington, was read, with sundry papers enclosed:<sup>2</sup>

*Ordered*, That the same be referred to the committee appointed to confer with General Washington.

The Marine Committee laid before Congress a letter to them, from the hon<sup>ble</sup> S<sup>r</sup> Gérard, respecting the purchase of flour for the subsistence of the French squadron.<sup>3</sup>

*Ordered*, That the said letter be referred to a committee of three, who shall enquire into and report the practicability and manner of supplying the quantity of Bread required for the use of the French fleet, and the engagements which have been made for this purpose, and that the Commissary General and Marine Committee give the committee now to be appointed every necessary information on this subject:

The members chosen, Mr. [James] Duane, Mr. M[eriwether] Smith, and Mr. S[amuel] Adams.

~~A letter, of 29 December, from Major General Gates, was read.~~

A memorial from Alexander McNutt, was read:

*Ordered*, to lie on the table.

Whereas it may happen, that a part of the moneys paid for the months of September, October, and November, to

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 58, folio 297.

<sup>2</sup> A draft of this letter is in the *Washington Papers*, A, IV, pt. 1, fo. 227.

<sup>3</sup> A summary of the letter, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 38, IV, folio 231.

the officers and soldiers of the United States, for their pay and subsistence, may be of the emissions of the 20 May, 1777, and the 11 of April, 1778:

*Resolved*, That in such case the pay master general and pay masters of the respective departments be directed to exchange such moneys, to the end that the said officers and soldiers be not deprived of the use of the same.

~~A motion was made, that when Congress adjourn, the adjournment be to 7 o'Clock this evening; on which the yeas and nays being required by Mr. [William Henry] Drayton:~~

New Hampshire,		Delaware,	
Mr. Whipple,	no ; no	Mr. McKean,	no ; no
Massachusetts Bay,		Maryland,	
Mr. S. Adams,	no	Mr. Cornishach,	ay } ay
Gerry,	ay } div.	Henry,	ay } ay
Lovell,	ay }	Virginia,	
Holten,	no }	Mr. T. Adams,	ay }
Rhode Island,		F. L. Lee,	no }
Mr. Ellory,	no ; no	Smith,	no }
Connecticut,		Griffin,	ay }
Mr. Dyer,	ay } ay	North Carolina,	
Boot,	ay }	Mr. Penn,	ay }
New York,		Hill,	ay }
Mr. Jay,	no	Burke,	no }
Duane,	ay }	South Carolina,	
Lewis,	no }	Mr. Drayton,	ay }
G. Morris,	no }	Hutson,	ay }
New Jersey,		Georgia,	
Mr. Fell,	no ; *	Mr. Langworthy,	ay } ay
Pennsylvania,			
Mr. Atlee,	no }		
Shippen,	no }		

So it passed in the negative.

Question put to adjourn, and the yeas and nays being required by Mr. Drayton:

New Hampshire,		Delaware,	
Mr. Whipple,	ay } ay	Mr. McKean,	ay } ay
Massachusetts Bay,		Maryland,	
Mr. S. Adams,	ay }	Mr. Carmichael,	ne } ne
Gerry,	ay }	Henry,	ne }
Lowell,	ay }	Virginia,	
Holton,	ne }	Mr. T. Adams,	ne
Rhode Island,		F. L. Lee,	ne }
Mr. Ellery,	ay } ay	Smith,	ne }
Connecticut,		Griffin,	ay }
Mr. Dyer,	ay }	North Carolina,	
Root,	ay }	Mr. Penn,	ne }
New York,		Hill,	ne }
Mr. Jay,	ne }	Burke,	ne }
Duane,	ne }	South Carolina,	
Lewis,	ne }	Mr. Drayton,	ne }
G. Morris,	ay }	Hutson,	ne }
New Jersey,		Georgia,	
Mr. Fell,	ay } *	Mr. Langworthy,	ne } ne
Pennsylvania,			
Mr. Atlee,	ne }		
Shippen,	ay }		
	div.		

So it passed in the negative.

Congress resumed the consideration of the publications in the Pennsylvania Packet, of the 2 and 5th instant, under the title of Common Sense to the public on Mr. Deane's affairs, of which Mr. Thomas Paine, secretary to the Committee of Foreign Affairs, has acknowledged himself to be the author; and also the memorials of the minister plenipotentiary of France, of the 5 and 10 instant respecting the said publications; Whereupon,

*Resolved, unanimously,* That in answer to the memorials of the honorable Sieur Gérard, minister plenipotentiary of his most Christian Majesty, of the 5th and 10th instant

the president be directed to assure the said Minister, that Congress do fully, in the clearest and most explicit manner, disavow the publications referred to in his said memorials; and as they are convinced by indisputable evidence, [that the supplies shipped in the *Amphitrite*, *Seine*, and *Mercury* were not a present, and that his most Christian Majesty, the great and generous ally of these United States, did not preface his alliance with any supplies whatever sent to America,] so they have not authorized the writer of the said publications to make any such assertions as are contained therein, but on the contrary do highly disapprove of the same.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

**WEDNESDAY, JANUARY 13, 1779**

A letter, of 18 December, 1778, from the council of Massachusetts bay, was read, respecting a supply of flour for the inhabitants of the town of Boston.<sup>2</sup>

*Ordered*, That it be referred to the committee appointed to superintend the departments of the quarter master general and commissary general of purchases, and that the committee report thereon.

<sup>1</sup>This resolution, in the writing of Gouverneur Morris, with an amendment [in brackets] by Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, IV, folio 131. The last sentence continued as follows: "and consider the indiscreet and unfounded references to public papers for support of his Insinuations as an abuse of the confidence reposed in [office conferred on] him by Congress." In transmitting the act to Gérard, Jay wrote: "The explicit disavowal and high disapprobation of Congress, relative to the Publications referred to in this act, will, I flatter myself, be no less satisfactory to his most Christian Majesty, than pleasing to the people of these states. Nor have I the least doubt, but that every attempt to injure the Reputation of either, or impair their mutual confidence, will meet with the Indignation and resentment of both."

<sup>2</sup>The letter of December 18, from the Massachusetts Council, is in the *Papers of the Continental Congress*, No. 65, I, folio 360.

Another letter, of 15 December, 1778, from the said council of Massachusetts bay, was read, respecting the fortifying the port of Boston.

*Ordered*, That it be referred to the Marine Committee.

A letter, without date, from the board of war of Massachusetts bay, with sundry papers, and account enclosed, respecting the snow, *Our Lady of Mount Carmel and Antonio*, and vessels sent for flour:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of this day, from Colonel Grayson was read, desiring leave to resign his commission:<sup>1</sup>

*Ordered*, That it be referred to the committee appointed to confer with General Washington.

A letter, of 18 December, from Lieutenant John Hoogh-kirk, was read, desiring leave to resign:<sup>2</sup>

*Ordered*, That his resignation be accepted.

Sundry reports from the Board of Treasury were read; Whereupon,

*Ordered*, That upon the application of the committee on the quarter master general's and commissary general's departments, a warrant issue on the treasurer, in favour of Jeremiah Wadsworth, Esq., commissary general of purchases, for one million and five hundred thousand dollars, for which the said commissary general is to be accountable.<sup>3</sup>

That a warrant issue on the treasurer, in favour of Colonel Isaac Melcher, barrack master general, for fifty thousand dollars, for the use of his department, for which he is to be accountable.<sup>4</sup>

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 129.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 385.

<sup>3</sup>This report, dated January 6, is in the *Papers of the Continental Congress*, No. 126, III, folio 12.

<sup>4</sup>This report, dated January 12, is in the *Papers of the Continental Congress*, No. 126, III, folio 27.

*Resolved*, That the Committee of the Treasury be authorized to contract with proper persons for signing bills of credit, and allow such as shall be approved by Congress and engage for twelve months, a sum not exceeding four dollars per thousand for each signer.<sup>1</sup>

The Board of War report, that the following French gentlemen having served as volunteers in Colonel Armand's corps with much reputation, as appears by the certificate of Colonel Armand, and the recommendations of the Marquis de la Fayette and others, are now about to return to France, and therefore recommend that brevets be granted to them under the exception in the resolution against granting brevets except to officers in the line, or in cases of merit, viz.

To Mons. le Compt de Zinard, the brevet commission of major.

To Mons. le chevalier de Treusson, the brevet commission of captain: and

To Messrs. Verdie, Allain, de Majastram, Briffault, de Laumon, le Tourneau, le Fièvre, and the chevalier de Fontevieu, the brevet commissions of lieutenants in the service of the United States:

*Resolved*, That Congress agree to the said report.

*Resolved*, That the sum of 400 dollars be paid to each of these gentlemen, to enable them to prosecute their voyage to France.<sup>2</sup>

Another report from the Board of War was read:  
Whereupon,

*Resolved*, That Mons. John Bernard de Murnand be appointed a major in the corps of engineers, to take rank as such from the 1st day of March last, and to receive pay

<sup>1</sup>This report, dated January 11, is in the *Papers of the Continental Congress*, No. 138, III, folio 25.

<sup>2</sup>This report, dated December 31, 1778, is in the *Papers of the Continental Congress*, No. 147, II, folio 435.

and subsistence from the 1st day of February last, the latter being the time he was employed by Brigadier du Portail, and the former the time he was directed by the Commander in Chief to act as major.<sup>1</sup>

Another report from the Board of War was read:  
Whereupon,<sup>2</sup>

*Resolved*, That the resignation of Colonel Henry B. Livingston, of the fourth New York regiment, be accepted:

*Ordered*, That the President inform Colonel H. Beekman Livingston that Congress have a high sense of the services he has rendered to his country.

Another report from the Board of War was read:  
Whereupon,

*Resolved*, That the resolution of the 16 December, respecting Colonel Hartley's regiment, be re-considered, and that in lieu thereof it be resolved as follows:

*Resolved*, That the regiment lately commanded by Colonel Patton, (Captain M'Lane, his subalterns and men raised in the Delaware State excepted,) and the independent companies raised in Pennsylvania and afterwards annexed to Colonel Malcom's regiment, be incorporated with Colonel Hartley's regiment; the whole to form a complete battalion upon the new establishment, and be added to the Pennsylvania line as the eleventh regiment of that State; that the several officers be arranged by the Board of War, and enjoy their rank according to their commissions or appointments respectively.<sup>3</sup>

Congress took into consideration their circular letter to the states reported by the Board of Treasury, which was agreed to as follows:

<sup>1</sup>This report, dated January 5, is in the *Papers of the Continental Congress*, No. 147, III, folio 1.

<sup>2</sup>This report, dated December 15, is in the *Papers of the Continental Congress*, No. 147, II, folio 421.

<sup>3</sup>This report, dated December 17, is in the *Papers of the Continental Congress*, No. 147, II, folio 425.

We cannot review the progress of the revolution which has given freedom to America, without admiring the goodness, and gratefully acknowledging the interposition of Divine Providence.

Oppressed by the ~~hand which ought to have been stretched forth~~ prince who ought to have exerted himself for our protection, and suddenly called upon to repel his ~~powerful and unprovoked~~ invasion, without arms or ammunition, without military discipline or permanent finances, without an established government, ~~or friends or allies, contending against a prince, whom to that moment we had considered as our rightful sovereign~~ enfeebled by habitual ~~the ill-grounded~~ attachments to our very enemies, we were precipitated into all the expensive operations incident to a state of war with one of the most formidable nations on earth. Thus surrounded on all sides with wants, difficulties, and dangers; notwithstanding the internal wealth of our country, ~~the prospect of our deliverance was too remote to justify the policy of immediate taxation~~ was impracticable. And for the same reason, and a share of ill success at different periods, we could not hope either at home or abroad to borrow money to supply our exigencies.

Humbly relying on the favour of Heaven in a righteous cause, and confiding in the justice and intrepidity of our injured fellow citizens, we from necessity embraced the expedient of emitting paper money on the faith of the United States, for the expences of the war, an expedient which had often been successfully practised in separate states, while we were subjected to British domination. The implacable vengeance with which we have been pursued has compelled us to the most strenuous and unremitting efforts. Large issues of money were of consequence indispensably necessary, and the paper currency multiplied beyond what was competent for the purposes of a circulating medium. This alone could not fail to discredit it in some degree: the acts of an unprincipled enemy have increased the mischief. In despair of subduing the free spirits of America by the force of arms or the intrigues of negociation, as their last effort they have had recourse to fraud. Their emissaries have been employed in a variety of artifices to debase our money, and to raise the price of commodities. The fears and apprehensions of the people have been alarmed by misrepresentation, ~~and finally they have descended, it is said, under high authority, to the felonious baseness of counterfeiting the Bills of Credit, and dispersing them from their Garrison at New York throughout the United States.~~ while our enemies of the highest rank have not hesitated to counterfeit the bills of credit and disperse them throughout the United States.

Such being the embarrassments which interrupt a free circulation of our paper money, they loudly call for a remedy; and Congress, from a regard to good faith, to private justice, and to public safety, are bound to apply it. Happily, by a combination of auspicious events, every obstacle is removed, and the means placed within our reach. Those hostile armies which attempted to enslave us, no longer formidable, are wasted and dispersed. Our independence is established on a firm basis. Our respective governments, which compose the union, are settled and in the vigorous exercise of uncontroled authority. An alliance on terms of perfect equality is formed with one of the greatest nations on earth; and freed in a high degree from external assaults, we have leisure to direct our attention to economy and our resources to support the public credit.

To raise the value of our paper money and to redeem it, will not, we are persuaded, be difficult, nor to check and defeat the pernicious currency of counterfeits impracticable; both require a far less share of public virtue and public vigilance than have distinguished this arduous conflict. ~~Had it been seasonable, an adequate Fund for Redemption ought to have accompanied every Emission. The causes which prevented it no longer exist. The necessity is become more urgent; while the Evil itself, which consists in too great an influx of paper money, will facilitate and reconcile the Remedy.~~

Without public inconvenience or private distress, the whole of the debt incurred in paper emissions to this day may be cancelled by taxes; it may be cancelled in a period so limited as must leave the possessor of the bills satisfied with his security. Hence will arise another vast advantage to the Public. The monied Interest, satisfied of the sufficiency of the Funds for cancelling the Debt, will cheerfully convert their Property into Loan Office Certificates. Even if this supply should not be competent And if by a continuance of the war, the public service should demand further emissions, they too may be cancelled within the same period: it being evident that our ability to sustain a tax must increase in proportion to the quantity of money in circulation.

The danger from counterfeits can only be avoided by calling in and exchanging the emissions, which have chiefly suffered by that species of fraud. To publish the marks of detection and still to leave the true bills current will not be prudent, as it must afford an opportunity for correcting defects and cheating more securely.

To defend the emission intended for the exchange from counterfeits, the strongest guards will be devised, and it is expected that the marks of authenticity will be so obvious, and the difficulty of successful imitation so great, as to discourage the attempt or elude its effects.

Upon those weighty considerations Congress have agreed to the annexed resolutions, and recommend them to the immediate attention of the respective legislatures of the United States, to the end that laws may be enacted to give them the most speedy, decisive, and effectual operation.<sup>1</sup>

*Ordered*, That the Board of Treasury extract from the journals all the resolutions relative to finance, which are proper to be sent to the several states, and commissioners of the continental loan offices, and lay the same before Congress, in order that they may be published.

On motion, *Ordered*, That the hon. Mr. [Francis] Lewis a member of this House, be requested to reduce to writing and to lay on the table, the conversation between him and the hon. Mr. [Henry] Laurens, on the subject laid before the house in writing by Mr. Laurens on the 11th instant, and also to reduce to writing and lay on the table all he knows respecting the matter which was the subject of that conversation.

Adjourned to 10 oClock to Morrow.

THURSDAY, JANUARY 14, 1779

A letter, of this day, from Mons. Gérard, and the President's letter to him, to which this is an answer, were read:

The committee, to whom was referred the letter of the 7 December, from the hon. Sieur Gérard, brought in a report, which was taken into consideration: and thereupon, Congress came to the following resolution:

<sup>1</sup>This report, dated January 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 7.

Whereas in and by the first article of the Treaty of Alliance concluded at Paris on the sixth day of February last, between His Most Christian Majesty and the United States of America, it is declared that, "If war should break out between France and Great Britain during the continuance of the present war between the United States and England, his Majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels and forces, according to the exigence of conjunctures, as becomes good and faithful allies." And whereas, in and by the eighth Article of the said Treaty, it is also declared, that "neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained, and they mutually engage not to lay down their arms, until the Independence of the United States shall have been formally or tacitly assured by the Treaty or Treaties that shall terminate the war." And whereas since the commencement of the present war, between France and Great Britain, wicked and designing persons have endeavoured to propagate a doctrine that the United States have a liberty of treating of peace with Great Britain separately from their ally, and whereas such doctrine is derogatory to the honor of Congress and of these United States, and of consequence is dangerous and prejudicial to their interests, and ought to be contradicted and disavowed, therefore it is declared and Resolved that during the present war between France and America on the one part and Great Britain on the other, these United States may not of right and will not conclude either truce or peace with Great Britain but according to the tenor of the said Treaty of Alliance.

Done in Congress at Philadelphia this      of      in the year of our Lord      and in the 3rd year of the Independence of America.

President.

**Attest**

Secty.<sup>1</sup>

Whereas it hath been represented to this House by the hon. Sieur Gérard, minister plenipotentiary of France, that "it is pretended the United States have preserved the liberty of treating with Great Britain separately from their ally, as long as Great Britain shall not have declared war against the king his master;" therefore,<sup>2</sup>

<sup>1</sup>This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 25, I, folio 67.

<sup>2</sup>This paragraph was an amendment, and, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 25, I, folio 69.

*Resolved, unanimously,* That as neither France or these United States may of right, so these United States will not conclude either truce or peace with the common enemy, without the formal consent of their ally first obtained, and that any matters or things which may be insinuated or asserted to the contrary thereof tend to the injury and dishonor of the said states.<sup>1</sup>

*Ordered,* That the foregoing resolution, and also the resolution of the 12th, on the publications in the Pennsylvania packet of 2 and 5 January, &c., ~~and the memorials of the Sr Gerard minister plenipotentiary of France, respecting these publications,~~ together with the letter of the President to the Minister, covering the resolution, and the Minister's answer, be published.

A letter, of 5, from Major General Schuyler, was read:

*Ordered,* That it be referred to the committee appointed to confer with General Washington, who in conjunction with the General are directed to take such order thereon as they judge proper.

Another letter, of 3, from Major General Schuyler was read:

*Ordered,* That it be referred to a committee of three:

The members chosen, Mr. [John] Fell, Mr. [Eliphalet] Dyer, and Mr. [Thomas] Burke.

A letter, of 1, from General Washington, was read, with sundry papers enclosed:<sup>2</sup>

*Ordered,* That it be referred to the foregoing committee.

A petition of Henry Piper was read:

*Ordered,* That it be referred to the Marine committee.

A letter, of 2 December, from James Warren, Esq., late paymaster general, was read:

*Ordered,* That it be referred to the Board of Treasury.

<sup>1</sup>This amendment, in the writing of Gouverneur Morris and John Jay, is on folio 70.

<sup>2</sup>The draft of this letter is in the *Washington Papers*, A, IV, pt. I, 209.

A memorial from the select men and others of the town of Danbury, was read,

*Ordered*, That it be referred to the Medical Committee.

A report from the Board of Treasury was read; Whereupon,

*Resolved*, That the bills to be emitted for exchanging others, agreeable to the resolutions of the 2d instant, or for supporting the war the ensuing year, be of the following denominations, viz. 65, 60, 55, 50, 45, 40, 35, 30, 20, 8, 7, 5, 4, 3 and 2 dollars, and 1 dollar.

2. That 50,000,400 dollars be emitted for the purposes abovementioned, under the direction of the Board of Treasury, in 116,280 bills of credit of each of the denominations aforesaid, which are to be severally numbered from number one progressively:

3. That the form of the bills be as follows:

"N<sup>o</sup>.      dollars. The bearer is entitled to receive Spanish milled dollars, or an equal sum in gold or silver, according to the resolution of Congress of the 14 January, 1779."

4. That each of the said bills be numbered and signed by two persons:

5. That the faith of the thirteen United States be pledged for the redemption of such bills on or before the first day of January, 1797, agreeably to the resolutions of Congress aforesaid:

6. That for preventing the counterfeiting of the said bills, new stamps with additional checks be provided, and a sufficient number of proof sheets struck, and sent, with the signatures of each signer, to the assemblies of the respective states, to be lodged by them under proper regulations in public offices in the several counties, towns, and districts, for the benefit of the inhabitants of the United States:

7. That it be recommended to the several states to take the most speedy and effectual measures for publishing the resolutions of the 2d instant, in their several counties, towns, and districts, and for encouraging the wealthy inhabitants thereof to unite in assisting the indigent, by exchanging, without discount, bills in their possession of the emissions of May 20, 1777, and April 11, 1778.

The Committee of Commerce brought in a report,  
*Ordered*, That it be referred to the Board of Treasury.

The Committee of Commerce, to whom was referred the letter from James Willing, brought in a report; Whereupon,

*Resolved*, That the commissary general of prisoners be directed to supply Captain James Willing with one hundred pounds, New York currency, for his subsistence at New York; the said James Willing to be accountable.<sup>1</sup>

*Resolved*, That a member be added to the Board of Treasury.

The member chosen, Mr. [William] Carmichael.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 15, 1779

The hon. Mr. [Francis] Lewis having reduced to writing the substance of the conversation between him and the hon. Mr. [Henry] Laurens, on the subject laid before the House in writing by Mr. Laurens on the 11 instant, and also what he knows respecting the matter which was the subject of that conversation, laid the same on the table according to order. And the same being read,

In a Teat à Teat conversation with the Honb<sup>le</sup> M<sup>r</sup> Laurens at York Town, introduced by M<sup>r</sup> Laurens's observations on the confused state

<sup>1</sup>This report, dated January 13, 1779, is in the *Papers of the Continental Congress*, No. 31, folio 195.

of our commercial transactions, and hinting at some vessels employed in the public service carrying goods on the private account of some members of that committee, which had been communicated to him by his friends from Charles Town.

This led me to relate the following circumstance as a matter, that struck me at the time of its transaction.

Congress at Baltimore, having occasion to send dispatches immediately to France, were informed that a ship laden with tobacco was then in the harbour ready to sail. The Commercial Committee was requested to ask the Captain if he would take the charge of said packet, and that upon his arrival at a port in France, he would deliver the same into the hands of one of the Commissioners at Paris. To this he objected, saying he could not justify himself to his owners, in leaving the ship to proceed with the packet to Paris. He was then asked, if the ship was not laden on the Continental Account. To which he replied, That she was chartered by Mess<sup>rs</sup> Willing & Morris's clerk, and that the bills of lading which the said Captain signed, were filled up, *Shipped by Willing & Morris*, concluding therefore that the Cargo was not on account of the public. The Armed Brigantine *Lexington* was then ordered to be immediately fitted for the sea, and Captain Johnston appointed to carry the dispatches.

A few days after the ships sailing, the Honb<sup>le</sup> M<sup>r</sup> Morris, in a letter to Congress, mentioned a rumour spread at Philadelphia, that the said Ship was taken by the enemy, but hoped it was not true. If it was, that he had fifty Hhds on board on his own account.

This is, as nearly as I can recollect from my memory the conversation that passed between the Honb<sup>le</sup> M<sup>r</sup> Laurens and myself relative to the foregoing.

FRA: LEWIS.

This was delivered at the Table and Read in Congress the 14<sup>th</sup> January, 1779.<sup>1</sup>

The above is a note in M<sup>r</sup> Laurens's hand writing. He ought to have dated 15<sup>th</sup>, because though the papers were read on the 14<sup>th</sup>, it was agreed by Congress that no notice should then be taken of it, and that it should be read the next day as if then first brought in, and it was accordingly read Jan<sup>ry</sup> 15<sup>th</sup>, immediately after reading the Journal.<sup>2</sup>

<sup>1</sup>This paper, in the writing of Francis Lewis, is in the *Papers of the Continental Congress*, No. 19, IV, folio 207.

<sup>2</sup>A note in the writing of Henry Laurens.

<sup>3</sup>A paragraph in the writing of Charles Thomson.

At the request of Mr. Laurens,  
*Ordered*, That he be furnished with a copy of the said writing.

A report, of 6, and one of 13 January from the Committee of Commerce, were read:

*Ordered*, That they be referred to the Board of Treasury.

A letter, of this day, from Colonel Armand, Marquis de la Rouerie, was read.<sup>1</sup>

In consequence of an adjustment by the Commissioners of Claims, the Auditor General reports,

That there is due to John Rodgers, for sundry ferrages over Susquehannah lower ferry, from March, 1777, to September, 1778, a ballance of one thousand and fifty eight dollars and 80/90ths.

That there is due to William Turnbull, his pay as commissioner of claims, from August 19th to September 12, 1778, one hundred and twenty five dollars.

That there is due to Thomas Ewing, his pay as clerk to the Commissioners of Claims from the 29 July, to 21 September, 1778, one hundred and thirty five dollars.

That there is due to John Norman, for engraving a map, planishing and polishing the plate to be prefixed to General St. Clair's trial, one hundred and thirty three dollars and 30/90ths.

That there is due to Belcher P. Smith, his pay for services in the Secretary's office, from 6 September, to 9 January, 1779, inclusive, 422 36/90 dollars.

That there is due to the Reverend Monsr. Lotbinier, his pay and subsistance as chaplain to Colonel Livingston's regiment, from 11 December, to 10 January, 1779, inclusive, sixty dollars.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 184, folio 388.

That there is due to Colonel Lewis Nicola, for the officers and privates of the Philadelphia militia, as guards, for the month of September, 1777, one thousand four hundred and ninety dollars and 19/90ths.

There is due to the Estate of George West, late a Lieutenant in Colonel Miles' Regiment, his pay from June the 1st, 1777, to November 14, 1778, the day of his decease; and for rations and subsistance the sum of four hundred and fifty two dollars.<sup>1</sup>

*Ordered*, That the said accounts be paid.

The Marine Committee, to whom were referred the letters from the governors of Maryland and Virginia, brought in a report, which was taken into consideration; Whereupon,

That the size and Construction of the Maryland Gallies render them very unsafe and extremely hazardous for a sea voyage at any season, but more especially the present. That should they be so fortunate as to arrive in safety in the Basin of St Augustine, and the state of that Garrison require a blockade of three months to reduce it, which is asserted, they will in less time than that be under the necessity of retiring for the want of provisions, unless the land army will be so situated and circumstanced, as to enable them from time to time to supply them with provisions, which is a fact your Committee are unable to ascertain, yet absolutely necessary to be known before the gallies are ordered on that Station.

That the great deficiency of sailors and marines, there being but fifteen of the former and eighteen of the latter in the Maryland Gallies, and the impracticability by any encouragement that can be given of manning and equipping them in time so as to cooperate with the land army, are insuperable difficulties against employing these gallies at all. The attempt to man and equip (when there is so little prospect of fully succeeding in it) will be attended with considerable expense and trouble, without answering any valuable or desirable purpose. Your Committee are therefore of opinion that it would be wise and prudent in Congress, considering the danger and risk of a sea voyage at this season, the impracticability of manning in time and the proba-

<sup>1</sup>This report, dated January 14, is in the *Papers of the Continental Congress*, No. 136, III, folio 31.

ble difficulty of supplying the gallies with provisions during the blockade, to lay aside the design of employing them.

If Congress under these circumstances should *still* think it necessary that these gallies should proceed. The Committee then *Postponed* report that a warrant issue in favor of the Governor of Maryland for twenty thousand dollars, to enable him to proceed in manning and equipping the gallies.

That the President and Privy Council of South Carolina, and the Commander in Chief in the Southern Department, be authorized and empowered to appoint an officer to take the Command of all the gallies employed on the intended expedition against E. Florida.

That the President of Congress be requested to inform the governor of Virginia that measures have been taken to protect the trade of Chesapeake Bay, and that Congress flatter themselves a speedy end will be put to the depredations of Godridge and his associates, and also that Congress esteem it necessary to the success of the expedition against East Florida that the troops and gallies requested of that State should proceed to Charlestown in S. Carolina with all convenient Speed.<sup>1</sup>

*Resolved*, That considering the danger and risque of a sea voyage at this season, the impracticability of manning in time, and the probable difficulty of supplying the Maryland Gallies with provisions during the blockade, the design of employing them be laid aside.

*Resolved*, That the remainder of the report be postponed.

The Marine Committee, to whom was referred the trial and sentence of the court martial upon Captain McNeil, brought in a report, which was read, and an amendment made thereon; after which,

On motion, *Ordered*, That the farther consideration thereof be postponed.

The Marine Committee to whom was referred the The trial and sentence of the Court Martial upon Capt. McNeil, beg leave to report,

<sup>1</sup>This report, in the writing of William Whipple, is in the *Papers of the Continental Congress*, No. 37, folio 159.

That after examining with great care and attention the several charges exhibited against Capt. McNeil, and the Depositions of the witnesses produced to support them, they are of opinion the Charges are not supported by evidence, and that the sentence against Captain McNeil ought not to be carried into execution.

[Amendment.]

That the sentence of the Court Martial against Capt. McNeil be not carried into execution.<sup>1</sup>

The committee, to whom was referred the letter of 28 November last from Mons. de Francey, having brought in a report, the same was taken into consideration; and thereupon,

*Resolved*, That according to the agreement entered into with Mr. de Francey, agent of Mons. de Beaumarchais, at Yorktown, on the 7th day of April, 1778, remittance should be made with all convenient despatch to the said Mr. de Beaumarchais.<sup>2</sup>

*Resolved*, That the requisition of Mr. de Francey, in his letter of 28 November last, is reasonable, and that 3000 hogsheads of tobacco, on account of these United States, be purchased, to be laden on board the ships mentioned in the said letter.<sup>3</sup>

*Resolved*, That the following letter be written to Mr. de Beaumarchais:

' SIR, The Congress of the United States of America, sensible of your exertions in their favour, present you with their thanks, and assure you of their regard.

They lament the inconveniences you have suffered by the great advances made in support of these states. Circumstances have prevented a compliance with their wishes, but they will take the most effectual measures in their power to discharge the debt due to you.

<sup>1</sup>This report and amendment, in the writing of William Whipple, are in the *Papers of the Continental Congress*, No. 37, folio 168.

<sup>2</sup>The original report here added: "And that the Honour, Interest and even Safety of these United States require a very strict Attention to the Performance of every part of the said Contract."

<sup>3</sup>This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, Mo. 36, IV, folio 115.

The liberal sentiments and extensive views which alone could dictate a conduct like yours, are conspicuous in your actions and adorn your character. While with great talents you served your prince, you have gained the esteem of this infant republic and will receive the merited applause of a new world.

By order of Congress,

Adjourned to 10 oClock to Morrow.

**SATURDAY, JANUARY 16, 1779**

A letter, of this day, from Mark Freeman and others,<sup>1</sup> was read; Whereupon,

*Ordered*, That the report of the committee, respecting goods taken for public service, after the evacuation of Philadelphia, be taken up and considered on Monday next.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, for two thousand dollars, in favour of the delegates of the State of Connecticut, advanced upon their application; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of David Moseley, copper plate printer, for two hundred dollars, advanced him on account.

That a warrant issue on the treasurer, in favour of William Kennon, copper plate printer, for four hundred dollars, advanced him on account.

That a warrant issue on the treasurer, in favour of Thomas Reed, Esq. deputy paymaster general, for one hundred thousand dollars, for the use of the northern department; and that William Palfrey, Esq. paymaster general, who is to be accountable, be furnished with a copy of this order.

<sup>1</sup>The Freeman letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 238.

That a warrant issue on James Warren, Esq., in favour of the Marine Committee, to be by them transmitted to the Navy Board in the eastern district, for five hundred and seventy six dollars, being part of the deficiency allowed on settlement of his account, and returned by Colonel Laommi Baldwin, who received it by mistake.

The Board having considered a report of the Commercial Committee, of the 4th instant, referred to them by Congress, beg leave to report:

That a warrant issue on the treasurer, in favour of the Commercial Committee, for five thousand six hundred and sixty six dollars and 60/90, to enable them to make payment to John Pringle for the ship *Mercury*, condemned at Whitehaven and ensured by the said committee; who are to be accountable.

The Board ||of Treasury|| having considered a letter from the commissioners of accounts in the northern department of the 12 November, and another of the 29 December last, report,

That Eleazer Wales and Edward Chin, Esqrs. two of the commissioners of accounts in the northern department, continue their office at Albany until the 1st of April next, and then repair with their books and papers to the Board of Treasury; and that John Wells, Esq. be informed that his immediate attendance is necessary in the chamber of accounts:

*Resolved*, That Congress agree to the said report.

That a warrant issue on the treasurer, in favour of Major General Greene, quarter master general, for fifteen hundred thousand dollars, for the use of his department; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of the Marine Committee, on their application for fifty thousand dollars, and another warrant on John Lawrence, Esq. commissioner of the continental loan office, in the

State of Connecticut, for one hundred thousand dollars, in their favor, which two sums, amounting to one hundred and fifty thousand dollars, are to be transmitted to the navy board in the eastern district, and for which the said committee is to be accountable.

That a warrant issue on the treasurer, in favour of Nathaniel Eustis, upon the application of Doctor Isaac Forster, deputy director general of the eastern district, agreeable to his letter of the 28 December last, for twenty five thousand dollars; and

That another warrant issue on Nathaniel Appleton, Esq. commissioner of the continental loan office, in the State of Massachusetts bay, in favour of the said Doctor Isaac Forster, for fifty thousand dollars; for which two sums, amounting to seventy five thousand dollars, the said deputy director general is to be accountable; it being for the use of his department.

That a warrant issue on the treasurer in favour of the delegates of the State of Massachusetts bay, for six thousand dollars, advanced on their application; for which the said State is to be accountable.

The Board of Treasury farther report,

That having given proper directions relative to that part of the letter from the board of war, in the State of Massachusetts bay, of December last, which relates to the brig *Friendship* and schooner, *Laurens*, they are of opinion, that the letter be now referred to the Committee on Foreign Affairs, that instructions may be given, relative to the snow, *Our Lady of Mount Carmel and St. Antonio*.

*Resolved*, That Congress agree to the said report.

The Board of Treasury farther report, That they having considered two reports from the Commercial Committee, of 6th and 13 instant, are of opinion, That the Commercial Committee be directed to ascertain the sums

due in continental currency to Mr. Samuel Curson, and other persons mentioned in the said reports, and to transmit certificates thereof to the Board of Treasury.

*Resolved*, That Congress agree to the said report.

*Resolved*, That the commissioners of the treasury be authorized to direct the treasurer to exchange, for any officers entrusted with public money by the United States, such part thereof not having been expended by him as he shall declare on oath to be in his possession in bills of the emissions of May 20, 1777, and April 11, 1778.<sup>1</sup>

The delegates of Pennsylvania laid before Congress a letter of 14, from the president of that State, in Council, instructing them to apply to Congress for an advance of sixty thousand pounds for the use of that State; Whereupon,<sup>2</sup>

On motion, *Resolved*, That the sum of one hundred and sixty thousand dollars be advanced to the State of Pennsylvania; the said State to be accountable.

The committee appointed to regulate the affairs of the post office, to whom was referred the memorial of Richard Bache Esq., brought in a report; Whereupon

*Resolved*, That there be advanced out of the public treasury to Richard Bache, Esq., postmaster general, twenty thousand dollars, to enable him to pay the debts and charges of his department, to the fifth January, instant, and further to execute the duties thereof; he to be accountable.<sup>3</sup>

The committee on the treasury, who were directed to extract from the journals the several resolutions respecting finance, in order that they may be printed, report that they have executed that business, and are of opinion

<sup>1</sup>This report, dated January 14 and 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 35.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 563.

<sup>3</sup>This report, in the writing of Samuel Adams, is in the *Papers of the Continental Congress*, No. 61, folio 455.

that the circular letter and the resolutions of the 2, and 5 instant be printed on one sheet; that the others be printed in a separate sheet; that 100 copies of each be struck off; and that the circular letter to the states be signed by the President, with such a direction or preface as he shall judge proper; that after the word Georgia in the apportionment of the 15,000,000 to be raised by the states agreeable to the resolution of the 5, be inserted the following words, "being invaded is hereafter to raise her proportion."

*Resolved*, That Congress agree to the said report.

Congress took into consideration the letters from Thomas Paine; Whereupon, a motion was made,

That Mr. Thomas Paine, secretary to the Committee of Foreign Affairs, be dismissed from office.<sup>1</sup>

To which an amendment was offered as a substitute in the following words:

"That Thomas Paine be directed to attend at the bar of this House on Monday next, at 11 o'clock, to answer whether he had any direction or permission from the Committee of Foreign Affairs, for the publications of which, he confessed ||himself|| to be the author when he was before the House on the 6th day of January last."<sup>2</sup>

Another amendment was moved as a substitute to both the foregoing propositions in the words following:

"Whereas Congress were about to proceed against Thomas Paine, secretary to the Committee of Foreign Affairs, for certain publications and letters as being inconsistent with his official character and duty, when the said Thomas Paine resigned his office; thereupon,

*Resolved*, That the said Thomas Paine is dismissed from any farther service in the said office, and the Committee

<sup>1</sup>This motion, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 55, folio 22.

<sup>2</sup>This amendment, in the writing of Thomas Burke, is on folio 22.

of Foreign Affairs are directed to call upon said Paine, and receive of him on oath all public letters, papers and documents in his possession.”<sup>1</sup>

A fourth amendment was moved as a substitute to the whole in the words following:

“Resolved, That the Committee of Foreign Affairs be directed to take out of the possession of Thomas Paine, all the public papers entrusted to him as secretary to that committee, and then discharge him from that office.”<sup>2</sup>

When the question was about to be put, a division was called for, and the question being put to adopt the first part: passed in the affirmative.

On the question to adopt the second part, the yeas and nays being required by Mr. [James] Lovell:

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. McKean,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no	Mr. Paca,	ay } ay
Gerry,	no } no	Carmichael,	ay }
Lovell,	no } no	<i>Virginia,</i>	
Holten,	ay } ay	Mr. T. Adams,	ay }
<i>Rhode Island,</i>		F. L. Lee,	no } ay
Mr. Ellery,	no } div.	Smith,	ay }
Collins,	ay } div.	<i>North Carolina,</i>	
<i>Connecticut,</i>		Mr. Penn,	ay }
Mr. Dyer,	ay } div.	Hill,	ay } ay
Root,	no } no	Burke,	no }
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Jay,	ay } ay	Mr. Drayton,	ay }
Lewis,	ay } ay	Hutson,	no } div.
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Roberdeau,	no	Mr. Langworthy,	ay } ay
Searle,	no } no		
Atlee,	ay } ay		
Shippen,	no		

<sup>1</sup> This amendment, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 55, folio 19.

<sup>2</sup> This amendment, endorsed “Mr. Paca’s,” but in the writing of Charles Thomson, is on folio 20.

So it was resolved in the affirmative.

The question being then about to be put on the main question, a division was called for, and the yeas and nays being required on the first part by Mr. [Thomas] M'Kean,  
*Resolved, unanimously, in the affirmative.*

On the question to agree to the second clause, namely, "and then discharge him from that office," the yeas and nays being required by Mr. [John] Penn,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. M'Kean,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no	Mr. Paca,	ay } ay
Gerry,	no } no	Carmichael,	
Lovell,	no }	<i>Virginia,</i>	
Holten,	ay }	Mr. T. Adams,	ay }
<i>Rhode Island,</i>		F. L. Lee,	no } ay
Mr. Ellery,	no } div.	M. Smith,	ay }
Collins,	ay }	<i>North Carolina,</i>	
<i>Connecticut,</i>		Mr. Penn,	ay }
Mr. Dyer,	no } no	Hill,	ay } ay
Root,		Burke,	
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Jay,	ay } ay	Mr. Drayton,	ay }
Lewis,	ay }	Hutson	no } div.
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Roberdeau,	no	Mr. Langworthy,	ay } ay
Searle,	no }		
Atlee,	ay }		
Shippen,	no }		

So the states being divided the clause was lost.

Adjourned to 10 oClock on Monday.

**MONDAY, JANUARY 18, 1779**

After twelve o'clock, the States were called, when only eight States appeared fully represented, viz: ~~New hampshire, Rhode island, Connecticut, Pennsylvania, Maryland, North Carolina, South Carolina and Georgia;~~ Whereupon Adjourned to 10 o'Clock to Morrow.

**TUESDAY, JANUARY 19, 1779**

A letter, of the 4, from Major General Sullivan, was read, enclosing letters that passed between him and Major General Prescot:<sup>1</sup>

*Ordered*, That the same be referred to the committee on the letter of 20th December last, from General Sullivan.

A letter, of 28 December, from hon<sup>ble</sup> Meshech Weare, president of New Hampshire, was read, enclosing a copy of a petition from Charles Hunt and others, who were taken and confined for bringing manifestoes into that State from the commissioners of his britannic Majesty, in a flag:

*Ordered*, That the petition be referred to the committee on the letter from Admiral Gambier.

A letter, of 7, from Mr. Duarti, Captain of the snow of *Our Lady of Mount Carmel and St. Antonio*, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three; The members chosen, Mr. [James] Lovell, Mr. [James] Searle, and Mr. [Jesse] Root.<sup>3</sup>

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 180, folio 233; the enclosures are on folios 235-239.

<sup>2</sup>Weare's letter is in the *Papers of the Continental Congress*, No. 64, folio 70; Hunt's petition is in No. 42, III, folio 371; Duarti's letter is in No. 44, folio 63.

<sup>3</sup>Thomson has noted on No. 38, IV, folio 115, the vote on a committee which answers to this. Two ballots were taken. The vote in the first was: Lovell, 8; Root, 3; Searle, 3; Henry, 1; Ellery, 1; Laurens, 5; Dyer, 3; Carmichael, 1; Drayton, 1; Lewis, 1; Whipple, 2; Smith, 2; Hutson, 1. In the second: Root, 5; Searle, 8; Ellery, 1; Dyer, 3; Whipple, 1; Smith, 1; Hutson, 1.

A letter and memorial from Captain [Alexander] Fowler, were read:<sup>1</sup>

*Ordered*, That they be referred to the committee appointed to confer with General Washington.

A letter, of 18, from Francis Harris, was read,

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 18, from General Greene, Q. M. G., and,

One, of 18, from W. Bradford, [Jun.] deputy commissary of musters, were read.<sup>2</sup>

*Ordered*, That they be referred to the Board of War.

The hon. Mr. [Henry] Laurens, with the leave of the House, read in his place, and laid on the table, a paper respecting the subject mentioned in his former paper, and that delivered in by Mr. [Francis] Lewis:

SATURDAY, 16<sup>th</sup> January, 1779.

Mr PRESIDENT,

I have perused the hoible M<sup>r</sup> Lewis' paper delivered and read, at the Table on the 14<sup>th</sup> Instant, in consequence of a request made to him the 11<sup>th</sup> by Congress, that he would inform the House of all he knew of a certain Tobacco Ship, and other matters alluded to in a Paper, which in compliance with a similar request to me on the 9<sup>th</sup>, I delivered in on the 11<sup>th</sup>.

This honorable House I trust will not have forgotten how repeatedly, before I committed what I had been requested to commit to writing, I intreated M<sup>r</sup> Lewis to retire with me into the Library Room, in order to assist my memory if I had in any respect misstated verbally our conversations at York Town, and how immovable he remained in his Chair.

I will not contend with the honorable Gentlemen on the question which of us introduced the conversation: It appears to be totally immaterial. But I do aver he is wrong in his assertion that I "hinted" at "communications made to me by my friends in Charlestown." I do not recollect that ever I received, and I am morally certain I never

<sup>1</sup> Fowler's letter, dated January 18, is in the *Papers of the Continental Congress*, No. 78, IX, folio 237.

<sup>2</sup> Greene's letter is in the *Papers of the Continental Congress*, No. 155, I, folio 79; that of Bradford is in No. 78, III, folio 281.

did receive, any communication from Persons in Charlestown "of vessels employed in the public service carrying goods on the private account of some Members of the Secret or Commercial Committee." I not only "hinted" but fully expressed, that I had heard complaints of such transactions from Members of Congress. I asked M<sup>r</sup> Lewis how the freight of such private property could be ascertained? If it was consistant with the Public interest to equip and arm ships for the exportation or importation of Private property? What freight could compensate? and added, these appear to me to be very irregular proceedings: in which M<sup>r</sup> Lewis perfectly acquiesced.

I remember nothing of the matter respecting the committee's application to the Captain of the ship to take charge of a Packet for the Commissioners at Paris, but I will not set up the deficiency of my memory in opposition to M<sup>r</sup> Lewis' assertion. I will therefore admit this preface to have introduced his part of the conversation.

M<sup>r</sup> Lewis acknowledges the Captain replied to the committee at Baltimore that "his ship was chartered by Mess<sup>rs</sup> Willing and Morris's Clerk, and that the Bills of Loading were filled up shipped by Willing and Morris," and he does not deny that he informed me the consignment was "to the order of Willing and Morris or Willing, Morris & Co." Nor can this be denied. The bills of Loading substantially establish the fact and more, in as much as the "account and risque" were to be "as per Advice," which in Commercial language is synonymous with the order of the Shipper.

M<sup>r</sup> Lewis, after deliberating from Saturday the 9<sup>th</sup> to Thursday the 14<sup>th</sup> Instant, has not denied the several allegations contained in my Paper, nor can he, without first eradicating truth and honor from his Breast, which I am persuaded he is incapable of, deny one of them in substance. It has nevertheless been said, not by M<sup>r</sup> Lewis, that it was a little unfortunate "that Gentlemen who were then in Congress did not remember the circumstance clearly." Some have acknowledged that they remembered "something about it," and that there were some insinuations made by me.

Gentlemen, who were last winter in Congress, the whole number scarcely ever amounting to seventeen, some of whom are now absent, will call to mind that Congress during the last winter, were constantly engaged in businesses of the highest moment, and which required immediate dispatch. That they were in many instances obliged to execute their own Resolves, and will admit a possibility therefore, that every Member, M<sup>r</sup> Lewis and myself excepted, may have forgotten the affair of the Tobacco Ship as related by me, more especially as it

was not quite a new subject when I gave the relation. I had heard somewhat of it antecedently to M<sup>r</sup> Lewis' Account, but only as a matter of suspicion and surmise, and had treated it accordingly. I had no avidity for blasting the reputation of any Gentleman upon a foundation of mere whisper. Besides every Gentleman's observation will convince him that tis not uncommon for Members of a Public Assembly, in which there is much debate on variety of subjects, to lose totally the remembrance of what had been said at a distance of near twelve months by an individual, and not matured into a vote and record.

I beg leave to support this remark by two very recent instances. A Gentleman on the South side of the House, some five or six days ago, in the course of debate strongly alluded to a certain brilliant present. Another Gentleman, situated on the opposite point, warmly animadverted on the first Gentleman's wit. Who was in the right, or who in the wrong, is not my part to determine; but within an hour of the adjournment I asked two Members, who are generally very attentive to every discussion on this floor, their sentiments on that part of the morning's conversation. Each declared "he did not remember *a word about it*," altho the subject had been boxed from north to south.

On the 11<sup>th</sup> Instant, a motion was made by an honorable Gentleman, that M<sup>r</sup> Lewis should inform the House of every thing he knew respecting the Tobacco Ship *upon Oath*. This very morning I applied to a group of five members for the name of the Honorable mover; two or three of these Gentlemen did not even recollect the circumstance; none of them could remember who was the man till I had assisted them. But to return to the business:

I have read the Charter Party for the Ship in question, now named by the extracts which M<sup>r</sup> Lewis has produced—the "*Farmer*, Captain Dashiell."

The contracting parties are Archibald Buchanan of Baltimore and Willing, Morris and Company, by John Brown their Agent. Neither the United States nor Congress, nor any power for acting under or for and on behalf of Congress, is or are expressed or implied in any part of the charter. And it is remarkable that in the six first instances of eight, where the names of Willing, Morris and Company are inserted in this Charter, the words *and Company* are carefully interlined, as if intended to include and comprehend the Person or Persons, associates and copartners of Willing and Morris as parties in the Covenant, mutually interested with Willing and Morris in all the risques and benefits of the intended voyage.

I have perused the Bills of Loading for the Ship's Cargo, dated Baltimore, ninth of January, 1777. These declare the Cargo to be "*upon the proper account and risque as per advice,*" consigned to Thomas Morris.

Upon one of the Bills a special contract under hand and Seal is indorsed,

For the delivery of the Cargo at such Port as Thomas Morris, or Pliarne, Penet and Company, shall order.

For the payment of additional freight and demurrage in certain contingent cases.

For payment of the valuation of the ship in case of loss by Willing and Morris.

But neither in that indorsed Contract nor on the face of the Bills does it appear that the United States were in any respect interested or concerned in the voyage.

I have also perused the instrument of valuation of the Ship, dated Baltimore, sixth of January, 1777, signed John Smith, Jonathan Hudson and Daniel Bowley, who declare by the said Instrument that thay were called upon by Achibald Buchanan and *John Cornthwait, Copartner of John Brown, in behalf of Willing, Morris and Company,* to value the Ship &c. No intimation in this instrument admits even a supposition that the United States were to be answerable in case the Ship should be lost.

It is true that on two of the Bills of Loading there appear the following indorsements:

Philadelphia, Jany 17<sup>th</sup>, 1777. The within Iron is on acct of the United States of America as p<sup>r</sup> letter 1. ROBT. MORRIS.

Philadelphia, January 17, 1777. The within Tobacco is on account of the United States of America, as p<sup>r</sup> letter 1. ROBT. MORRIS.

I shall make no remark on these *ex post facto* indorsements, nor confront them by the Charter Party, the Bills of Loading, the special indorsed Contract, nor the instrument of valuation; but I honestly confess that those jealousies which M<sup>r</sup> Lewis's information had raised in my mind at York Town are not removed. I have caused diligent search to be made in the Commercial Committee's Office for copy of the orders to John Brown or Brown and Cornthwaite for chartering and loading the *Farmer*, and for their letters in answer, for orders to M<sup>r</sup> Buchanan and his answer, for letters to Thomas Morris and to

Pliarne, Penet and Company, respecting the consignation and the "advice" of "*the proper account and risque*" referred to in the Bills of Loading; for the necessary Entries on the Committee's Books of the orders for Chartering, Loading and Insuring the Vessel, which ought to have appeared there in manner and stile clear and explicit.

The Clerk of the office informs me that he has spent many hours seeking for these lights and can discover none of them, nor any papers concerning the *Farmer*, excepting those before mentioned, which were tyed up in one parcel, and appeared to be all the documents relative to that Ship; but that he had not fully examined every Paper in the Office. It is possible therefore they may hereafter be found.

Neither can I discover the letter which M<sup>r</sup> Lewis says M<sup>r</sup> Morris sent to Congress informing them of a "rumour spread in Philadelphia that the Ship was taken by the Enemy, but he hoped it was not true, if it was he had fifty Hogsheads of Tobacco on board on his own account."

The first extract produced by M<sup>r</sup> Lewis is, copy of an entry on the books, that an order was drawn by the Commercial Committee, 16<sup>th</sup> April, 1777, on the Treasury for payment of 14,666 $\frac{1}{2}$  dollars to the owner of the Ship *Farmer*, for the valuation of that Ship—*Chartered and insured by the Committee on public account*; said Ship being taken in Chesapeak Bay on the twenty first day of January last, by two of the Enemy's ships of war, as appears by the Captain's protest."

The Protest sets forth that the Ship had been captured, but not of her being chartered and insured by the Committee on Public account: nor does any one of the antecedent documents referred to above tend to induce a belief that she was. The Committee must therefore have derived their knowledge that the ship was "*chartered and insured on Public Account*" from some other sources of information, for I will not suppose they would have drawn the order for 14,666 $\frac{1}{2}$  dollars, or have suffered the recited entry to be made in their books, but under the influence of some kind of proofs for their guide in the disposal of public Money.

Two of the Committee are now present. These gentlemen may possibly give the House such information on this head, as will remove every doubt and render further investigation unnecessary.

Sir, I have not been thus minute, from any wish or desire to criminate M<sup>r</sup> Robert Morris. Congress will remember I declared that my views in mentioning this subject at York Town were to do justice to that Gentleman as well as to the Public. But to return to M<sup>r</sup> Lewis' Paper.

If M<sup>r</sup> Lewis had been satisfied on the 16th of April, 1777, four months before I had the honor of his acquaintance, that the Ship *Farmer* had been bona fide chartered, insured and loaded on Public Account, I demand, with what view, or for what good purpose did he, eight or ten months after that date, relate to me, that Captain Dashiel had said his ship "was chartered by Mess<sup>r</sup> Willing & Morris's Clerk, and that the bills of Loading which the said Captain had signed were filled up ship'd by Willing & Morris, and that the Committee had therefore concluded that the Cargo was not on public Account."

I quote M<sup>r</sup> Lewis' words of the 14<sup>th</sup> inst. delivered on Paper, not those which he really spoke to me at York Town.

Did M<sup>r</sup> Lewis give this strange and inconclusive relation, in order to convince me that our *Commercial transactions* were not "in a confused state?" Does it seem to have been calculated for hushing my complaints, implied in the hints which he says I gave of "some vessels employed in the public service carrying goods on the private account of some members of the Committee?" Or did it rather, as I have most truly averred, serve to "heighten my jealousies by his frequent repetitions that our Commercial Affairs had been *sadly conducted*?"

That those affairs had been *sadly conducted* requires no other proof than half an hour's review of the Committee's Books.

Why did M<sup>r</sup> Lewis, after I had briefly mentioned in Congress the information which he had given me of the Tobacco Ship, and had appealed personally to him, call on me and say "I am very sorry you mentioned that affair in Congress, because I intended to mention it to M<sup>r</sup> Morris myself?"

And I now appeal to every candid mind, does not M<sup>r</sup> Lewis's present and very inconclusive narrative of what he calls a tête à tête conversation, tend to excite suspicions of some hidden or unfair proceedings in the case of the Ship *Farmer*?

The "conclusions of the Committee that the Cargo was not on Public Account" one would naturally suppose were well grounded before they put the public to the expence of equipping an extra Ship merely for the purpose of carrying dispatches. The owner of the Ship *Farmer* lived at Baltimore, a conference with him would instantly have removed all the difficulties which Captain Dashiel had raised.

The Ship *Farmer* was chartered on the third of October, 1776, sailed on the tenth of January, 1777, and captured on the 21<sup>st</sup> of that month.

According to M<sup>r</sup> Lewis' state, the first insinuation that the bulk of the cargo was public property appeared in M<sup>r</sup> Morris's letter written subsequently to the capture, informing Congress that he had fifty Hogsheads of Tobacco on board.

If the *Charter, the loading* and the insurance had been actually on public account, how came M<sup>r</sup> Lewis to remain in ignorance of these interresting facts at least four months and for ought we know, to this hour?

I will beg M<sup>r</sup> Lewis' indulgence to ask him another question. If the Vessel was chartered and insured on account of the public, by whose permission and under what stipulations did M<sup>r</sup> Morris ship fifty Hogsheads of Tobacco on his private account?

But, Sir, after all these appearances I do not charge M<sup>r</sup> Morris with fraud. I never did charge him with fraud, nor did I ever intend to do so from bare appearances. I honestly appealed to the Gentlemen who had made a display of those appearances.

It will rest with M<sup>r</sup> Morris, unless the Commercial Committee can now give us satisfaction, by clear explicit unambiguous proofs, to convince this House that his conduct was honest and justifiable.

The best friend M<sup>r</sup> Morris has in the world will not more sincerely rejoice than I shall at the sight of such evidence.

If M<sup>r</sup> Morris' character has been unjustly drawn into suspicion, I am not the Man who, from malice wantonness, or stupid inattention to business, placed or suffered it to remain in an unfavourable light.

Had I harboured a malignant disposition for blasting that Gentleman's reputation I should long ago have searched for the Papers which I have in the present instance been compelled to exhibit. Every sensible man will acknowledge thay contain ample funds for slanderous whisper. But by the Grace of God I have acted a more generous part. I briefly related to Congress what I had learned from M<sup>r</sup> Lewis, and to this Gentleman I appealed as my informant, thence forward contenting myself with the reflection that I had done *my* duty.

I shall conclude with saying that I have reason to believe I am not the only Gentleman to whom M<sup>r</sup> Lewis has at some time or other expressed his dissatisfaction with the affair of the Ship *Farmer*. A mere dissatisfaction expressed by him has a tendency to excite jealousies in the minds of men ignorant of the facts, but not of the universal opinion "*that our Commercial affairs had been sadly conducted.*"

HENRY LAURENS.<sup>1</sup>

Intended to have been laid before Congress Monday the 18<sup>th</sup> had there been a House.<sup>2</sup>

<sup>1</sup>This paper, in the writing of Moses Young, but signed by Laurens, is in the *Papers of the Continental Congress*, No. 19, IV, folio 200.

<sup>2</sup>In the writing of Laurens.

*Ordered*, That the several papers delivered in by the hon<sup>ble</sup> Mr. Laurens and the hon<sup>ble</sup> Mr. Lewis be referred to a committee of five, and that they be directed to enquire into the facts therein set forth, and call upon Mr. R. Morris to answer, and that they report to Congress:

The members chosen, Mr. M[eriwether] Smith, Mr. [William] Ellery, Mr. [Oliver] Ellsworth, Mr. [William] Paca, and Mr. T[homas] Adams.

*Ordered*, That the consideration of the report of the committee, respecting goods taken for public service, be farther postponed till to Morrow.

The hon<sup>ble</sup> Mr. [Elbridge] Gerry communicated to Congress two invoices of goods shipped at Bilboa, and consigned to him by Messrs. Gardoqui & Sons; one dated, 24 September, 1778, by Captain Ives, arrived; the other, September 16, 1778, by the *Hawke*, Captain Smith, of whose arrival there is no advice:

*Ordered*, That they be referred to the Committee of Commerce.

**The Committee on Appeals brought in a report:**

The Commissioners of the Court of Appeals of the United States have the Honor to report to Congress the annexed proceedings in the Case of the Sloop *Active*, brought into that Court on Appeal, in order that Congress may take such measures in that behalf, as so extraordinary and important a subject may require.

Wm. Hy DRAYTON  
WILLIAM ELLERY  
JOHN HENRY, JUN<sup>r</sup>.  
O. ELLSWORTH

Philadelphia, January 19<sup>th</sup>, 1779.<sup>1</sup>

Thomas Houstoun Esq &c<sup>a</sup> App<sup>ee</sup> | In the Court of Commissioners of Appeal for  
ads. | the United States of America.  
Gideon Olmstead &c<sup>a</sup>, App<sup>ee</sup>

At a Court held at the State House in the City of Philadelphia on the twelfth Day of December, in the year of our Lord one thousand seven hundred and seventy

<sup>1</sup>This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 29, folio 355. See under January 21, 1779, post.

eight, before the Honorable William Henry Drayton, William Ellery, John Henry, the younger, and Oliver Ellsworth, Esqrs. Commissioners appointed by the Honorable Congress to hear, try and determine all Appeals from the Courts of Admiralty of the Several American states to Congress, came the parties, as well appellants as appellees in the above cause by their respective advocates, and after solemn argument, and full hearing of the said parties by their said advocates the said Court took time to consider thereof and held the same under advisement until the fifteenth day of December aforesaid.

At which day the said court, being again met, proceeded to the publication of their Definitive sentence or decree upon the said appeal, which being read and filed is in the words following to wit:

Thomas Houstoun Esq. &c <sup>a</sup> app <sup>c</sup> <i>ads.</i>	}	Appeal from the Court of Admiralty of the State of Pennsylvania.
Gideon Olmstead &c <sup>a</sup> App <sup>c</sup> and claim <sup>b</sup> s of the Sloop <i>Active</i> her cargo &c.		

We, the Commissioners appointed by the Honorable Congress of the United States of America to hear try and determine all appeals from the Courts of Admiralty of the several states aforesaid to Congress, having heard and fully considered as well all and singular the matters and things set forth and contained in the record or minute of the proceedings of the Court aforesaid in the above cause as the argument of the advocates of the respective parties in the above appeal, do thereupon adjudge and decree that the judgement or sentence of the Court of Admiralty aforesaid be in all its parts revoked, reversed and annulled. And we do further decree and adjudge that the sloop or vessel called the *Active*, with her tackle, apparel and furniture, and the goods, wares and merchandizes laden and found on board her at the time of her capture as mentioned in the claim of Gideon Olmstead, Artemas White, Aquilla Rumsdale and David Clark, the appellants, be condemned as lawful Prize to and for the use and behoof of them the said Appellants, and that process issue out of the Court of Admiralty aforesaid, Commanding the Marshal of the said Court to sell the said Sloop *Active* and her cargo at public venue for the highest price that can be gotten for the same, and, after deducting the costs and charges of the trial in the said Court of Admiralty, and the expences attending the sale of the said sloop &c., that he pay the residue of the monies arising from the said sale unto the appellants aforesaid their Agent or Attorney. And we do further adjudge and decree that the appellees pay unto the appellants in this cause the sum of 280 dollars for their costs and charges by them expended in sustaining and supporting their said appeal.

WILLIAM H. DRAYTON.

JOHN HENRY.

WILLIAM ELLERY.

O. ELLSWORTH.

A certified copy of all which proceedings was regularly transmitted to the Judge of the Court [of] Admiralty aforesaid by the Register of this court.

Afterwards, to wit on the twenty eighth day of December aforesaid, at a Court held at the State House aforesaid, present all the commissioners above named, the Advocates on the part of the Appellants exhibited to the said Court certified copies

of two papers, the one purporting to be a second decree or sentence of the said Court of Admiralty in the above cause, and the other purporting to be a writ or warrant from the Judge to the Marshall of the said Court, which being severally read are as follows to wit:

Thomas Houstoun Esq. & <sup>m</sup> app <sup>m</sup> <i>ads.</i> Gideon Olmstead, Artemas White Aquila Rumsdale and David Clark, app <sup>m</sup> , Claim <sup>m</sup> of the Sloop <i>Active</i> and her cargo.	In the Court of Admiralty for the State of Pennsylvania.
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The Court taking into consideration the decree of the Court of Appeals in this cause reversing the judgement or sentence of this Court in the same cause and further decreeing a condemnation of the said Sloop *Active* her tackle, apparel, furniture, and cargo as prize &c., and that process of this Court should issue for the sale of the said sloop, her cargo &c., and for the distribution of the monies arising from the said sale after deducting costs to the claimants, above named, their agents or Attorney, after mature consideration is of opinion, that altho' the Court of Appeals have full authority to alter or set aside the decree of a Judge of this Court, yet that the finding of the Jury in the cause does establish the facts in the same cause without re-examination or appeal. And therefore the verdict of the Jury still standing and being in full force this court cannot issue any process or proceed in any manner whatsoever, contradictory to the finding of the said Jury, and therefore doth now decree, order and adjudge that the Marshall of this court be commanded to sell at public vendue, for the highest price that can be gotten for the same, the said sloop or vessel called the *Active*, her tackle, apparel and furniture and the goods, wares and merchandizes laden and found on board her at the time of her capture &c; and after deducting the costs and charges of the trial, condemnation, and sale thereof out of the monies arising from the said sale, that he bring the residue thereof into court there to remain ready to abide the further order of this court therein.

December 28<sup>a</sup>, 1778.

Gno. Ross.

Court of Admiralty Pennsylvania ss:	George Ross Esq., Judge of the Court of Admiralty for the State of Pennsylvania.
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[L. a.] To Mathew Clarkson, marshal of the City and County of Philadelphia, Greeting: Whereas at a Court of Admiralty lately held at Philadelphia upon the bill of Thomas Huston Esq. qui tam &c., exhibited to the said Court, it was adjudged and decreed that the Sloop or Vessel called the *Active*, her tackle, apparel and furniture, and the goods wares and merchandizes, laden and found on board her at the time of her capture should be condemned as prize and sold, and that after deducting the costs and charges of the trial, condemnation and sale thereof out of the monies arising from the said sale, of the residue of the said monies, three fourth parts should be paid unto the said Libellant, and a certain James Josiah, a claimant in the said cause, to and for the use of themselves &c.; and that the remaining one fourth part of the said residue, should be paid unto Gideon Olmstead, Artemas White, Aquilla Rumsdale and David Clark other claimants in the said

cause to and for their use &c., according to the verdict of the Jury impanelled and sworn to try and determine &c. in the said cause, From which judgement or sentence the said Gideon Olmstead and others last abovementioned appealed to the Honorable Congress of the United States of America, or such court or authority as they should appoint to hear and determine the said Appeal. And it was in such manner proceeded that the Honorable the Court of Commissioners of Appeal for the said states did, by their decree transmitted unto this Court, reverse, annul, and make void all and every part of the judgement or sentence of the Court of Admiralty aforesaid. And did further adjudge and decree that the said Sloop *Active* &c. was lawful prize and that process of this Court should issue, commanding a sale thereof, and that after deducting costs &c. the residue of the monies arising from the sale &c. should be paid to the claimants last abovementioned, their agent or attorney to and for their sole and absolute use and disposal &c. This court therefore taking into consideration the premises and being of opinion that consistent with the laws of this State it cannot carry into execution the whole of the said sentence of the honorable the Court of Commissioners of Appeals aforesaid, yet willing so far as the same sentence appears legal to carry it into effect, and to prevent as far as possible any injuries or losses which the parties to this cause or either of them may be liable unto by the vessel and cargo &c. remaining in their present situation, do therefore hereby command you forthwith to sell at public vendue for the highest price that can be gotten for the same, the said sloop or vessel called the *Active*, her tackle, apparel and furniture, and the goods, wares and merchandizes, laden and found on board at the time of her said capture; and after deducting the costs and charges aforesaid, to bring the residue of the said monies into Court ready to abide the further order of this Court. And how you shall have executed this writ make return to me at a Court of Admiralty to be held at my chambers in Philadelphia, the 7<sup>th</sup> Day of January next, together with this writ. Given under my hand and seal at Philadelphia, the 28<sup>th</sup> Day of December, in the year of our Lord one thousand seven hundred and seventy eight.

GEO. ROSE.

And hereupon it was moved on the part of the Appellants aforesaid that process might issue to the Marshal of the Admiralty of Pennsylvania commanding him to execute the decree of this Court; and after argument had thereon the Court appointed Monday, the 4<sup>th</sup> Day of January next, at 5 O'clock in the afternoon, for hearing a further argument upon the said motion.

And afterward, to wit on the 4<sup>th</sup> Day of January aforesaid, at eight O'clock in the morning, the said Court being again convened upon the pressing and special instance and request of the claimants in this cause, present the Honorable William Henry Drayton, William Ellery and John Henry Esq<sup>r</sup>, Commissioners as aforesaid &c.

It was moved and suggested by the advocates for the said claimants that notwithstanding the decree of this court above set forth and transmitted to the Judge of the Court of Admiralty aforesaid, the said Judge had appointed the hour of nine this morning for the Marshal of the said Court, to pay into the said Court the monies arising from the sale of the said Sloop *Active*, her cargo &c., and prayed that the Register of the said Court might be sworn and examined in support of the said

motion and suggestion. Whereupon the said Register being sworn his deposition was taken down in the words following to wit:

UNITED STATES OF AMERICA ss:

On the 4<sup>th</sup> day of January, in the year of our Lord one thousand seven hundred and seventy nine, before us the subscribers, Commissioners appointed by Congress to hear, try and determine all appeals from the Courts of Admiralty of the several states aforesaid to Congress, personally appeared Andrew Robeson, Register of the Court of Admiralty for the State of Pennsylvania, and being duly sworn deposeth and saith, that he, as Register aforesaid, received notice from the Judge of the said Court by the Marshal of the said Court to attend at the Chambers of the said Judge at nine O'Clock this morning, for the purpose of making a minute or record of the said Marshal's having paid into the said Court the monies arising from the sale of the cargo of the Sloop *Active*, lately libelled against in the said Court by Thomas Houston &c., and further saith not.

Sworn the day and year aforesaid before us William Henry Drayton, John Henry, William Ellery.

Whereupon the advocates prayed that an injunction might issue out of this Court directed to the Marshal of the Court of Admiralty aforesaid, and Commanding him to detain and keep in his hands and custody the monies aforesaid until the further order of this Court, which prayer being granted by the said Court, process issued in the words following to wit.

UNITED STATES OF AMERICA ss:

The honorable the Court of Commissioners of appeal for the United States of America, To Matthew Clarkson Esq., Greeting: Whereas at a Court lately held at Philadelphia in the state of Pennsylvania upon the appeal of Gideon Olmstead, Artemas White, Aquilla Rumsdale and David Clark, from the sentence or Decree of the Court of Admiralty of the State aforesaid to this Court, upon hearing and full consideration of all and singular the matters and things, set forth and contained in the record or Minutes of the proceedings of the said Court in a certain cause there lately depending, wherein Thomas Houston Esq. was Libellant and the above named Gideon Olmstead &c. claimants. After solemn argument and full hearing of the Advocates of the respective parties in the said Appeal, it was adjudged and decreed by this court that the judgement or sentence of the Court of Admiralty aforesaid should be in all its parts, revoked, reversed and annulled, and that the Sloop or vessel called the *Active*, her cargo &c., should be condemned as lawful prize for the use of the said Appellants, and that process should issue out of the said Court of Admiralty, commanding the Marshall of the said Court to sell the said sloop and her cargo for the highest price that could be gotten for the same and after deducting the costs and charges arising on the trial, condemnation and sale thereof to pay the residue of the monies arising from the said sale unto the said appellants, their agent or Attorney, And whereas a copy of the decree of this Court hath been regularly transmitted to the Judge of the said Court of Admiralty, and by a certified copy of the proceedings of the said Court since receiving the said decree it appeareth manifestly to this Court that the said Judge hath refused to pay obedience to the said decree and did, on the 28<sup>th</sup> Day of December last, issue process returnable on the seventh day of January instant, Commanding you as Marshal of the said court of Admiralty,

to make sale of the said sloop, her cargo &c. And after deducting the costs and charges aforesaid to lodge the residue of the monies arising from the said sale in the Court aforesaid ready to abide the further order of the said Court, and Whereas on the 28<sup>th</sup> Day of December aforesaid a motion was made in this Court for a writ to issue to the said Marshal commanding him to execute the decree of this Court, and further argument on the said Motion was appointed to be heard at five O'Clock this afternoon; and whereas it is testified to this Court on oath that this day at nine O'clock in the forenoon is by special order of the said judge appointed for you to lodge the monies arising from the said sale in the said Court whereby the writ upon the motion aforesaid, if this Court shall think proper to issue such will be eluded.

These are therefore to command and firmly enjoin you to detain and keep in your safe custody, the whole of the monies arising from the sale of the said sloop and her cargo &c., saving and excepting the costs and charges aforesaid until the further order of this court be made known unto you as you will answer the contrary at your peril. Given at Philadelphia in the State of Pennsylvania the fourth day of January in the year of our Lord one thousand seven hundred and seventy nine.

WILLIAM HENRY DRAFFON.

WILLIAM ELLEY.

JOHN HENRY, JUN.

And now, to wit, at five O'Clock in the afternoon of the said fourth Day of January, at a Court held at the State house aforesaid, present the honorable the Commissioners last above named, the Register produced to the said Court the return endorsed by the abovementioned Mathew Clarkson Esq. on the above recited writ or injunction which being read, is in the words following to wit:

In obedience to a writ under the hand and seal of the Honorable George Ross Esq. Judge of the Court of Admiralty for the State of Pennsylvania, I have deposited in the said court the monies arising from the sale of the cargo of the Sloop *Active* within mentioned, the said Sloop being yet unsold no monies have come into my hands on account of her. So answers

MATTHEW CLARKSON,  
*Marshal of said Court.*

Philadelphia, January 4<sup>th</sup>, 1779.

To the honorable the Court of Commissioners of Appeal.

And inasmuch as it doth not sufficiently appear to the said Court from the said return whether the monies therein mentioned were paid into the said Court of Admiralty, previous or posterior to the receipt of the said writ, and the said Marshal not being present in Court, the Register of this Court was sworn and examined and his deposition being reduced to writing at the foot of the said return is in the words following to wit.

UNITED STATES OF AMERICA SE.:

Andrew Robeson, Register of the Court abovementioned, being duly sworn deposeth and saith that he delivered the within writ to the abovenamed Matthew Clarkson, Esq., Marshal of the Court of Admiralty abovementioned, at the Chamber of, and in presence of the Judge of the said Court before the hour of ten this morning, and

previous to the payment of the monies to the said Judge, as certified above by the said Marshal.

Sworn January 4<sup>th</sup>, 1779, in open Court.

WILLIAM H<sup>Y</sup> DRAFTON.  
WILLIAM ELLERY.  
JOHN HENRY, JUN.

Whereupon the Court declared and ordered to be entered on record, that as the Judge and Marshal of the Court of Admiralty of the State of Pennsylvania had absolutely and respectively refused obedience to the decree and writ regularly made in and issued from this Court to which they, and each of them, were, and was bound to pay obedience, this Court being unwilling to enter into any proceedings for contempt lest consequences might ensue at this juncture dangerous to the public peace of the United States will not proceed farther in this affair nor hear any appeal until the authority of this court shall be so settled as to give full efficacy to their decrees and process.

Ordered, that the Register do prepare a state of the proceedings had upon the decree of this court, in the case of the Sloop Active, in order that the Commissioners may lay the same before Congress.

UNITED STATES OF AMERICA ss.:

I, Andrew Robeson, Register of the acts, matters and causes done transacted tried and decided in the honorable the Court of Commissioners of Appeal for the United States of America, do hereby certify the above and foregoing to be a true and [L. s.] exact copy of the records or minutes of the proceedings of the said Court in the Appeal of Gideon Olmstead and others from the decree of the Court of Admiralty of Pennsylvania; having carefully compared the same with the original thereof now remaining in my office at Philadelphia in the State of Pennsylvania.

In witness whereof I have hereto set my hand and seal the 5<sup>th</sup> Day of January, in the year of our Lord one thousand seven hundred and seventy nine.

ANDREW ROBESON, R. C. A.

*Ordered, To lie on the table.*

The committee appointed to confer with General Washington brought in a partial report, and desired leave to sit again; at the same time, desiring to know whether it is the sense of Congress that they should insert in their next report the plan of operations for the next campaign, that may come to their knowledge in the course of their conferences with the commander in chief.

After some debate thereon,  
Adjourned to 10 oClock to Morrow.

WEDNESDAY, JANUARY 20, 1779

A letter, of 15, from hon<sup>ble</sup> Mr. Gérard, was read, with a copy of a letter to him from Brigadier du Portail, and others enclosed.

A letter, of 20, from Marquis de Brétigny, was read; Whereupon,<sup>1</sup>

*Ordered*, That the same, with the report of the committee on the memorial from the Marquis de Brétigny, be referred to the committee appointed to confer with the General.

A letter from Herman Zedtwitz, with sundry papers enclosed, was read:<sup>2</sup>

*Ordered*, That the same be referred to the Board of War.

A letter, of 31 December last, from Major General Lincoln, giving information of the enemy having gained possession of Savannah on the 29th of that month; also,

A letter, of 19 December, from Brigadier McIntosh, were read:<sup>3</sup>

*Ordered*, That they be referred to the committee appointed to confer with the Commander in Chief.

A letter, of this day, from Mr. Deane, was read; Whereupon,

*Resolved*, That a committee, consisting of one member from each state, be appointed to take into consideration the foreign affairs of these United States, and also the conduct of the late and present commissioners of these states in Europe, and report thereon: the members chosen, Mr. [Abraham] Whipple, Mr. [Elbridge] Gerry, Mr.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 243.

<sup>2</sup>This letter, dated the 7th, is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 667.

<sup>3</sup>The letter of Lincoln is in the *Papers of the Continental Congress*, No. 158, folio 181.

[William] Ellery, Mr. [Oliver] Ellsworth, Mr. [James] Duane, Mr. [John] Fell, Mr. [James] Searle, Mr. [Thomas] M'Kean, Mr. [William] Paca, Mr. M[eri-wether] Smith, Mr. [Thomas] Burke, Mr. [Henry] Laurens, and Mr. [Edward] Langworthy.

The hon<sup>ble</sup> M<sup>r</sup> Laurens read, in his place, a postscript to a private letter from the deputy pay master general in Georgia, informing that the military chest is nearly exhausted, and mentioning the necessity of a further supply of one million of dollars for the use of that department:

*Ordered*, That this be referred to the Board of Treasury.

A petition from William Getteys was read,<sup>1</sup> representing that he has lost by fire a quantity of bills of credit:

*Ordered*, That it be referred to the Board of Treasury.

Congress took into consideration the report of the committee, respecting goods taken for public service, after the evacuation of Philadelphia. After debate,

*Ordered*, That it be re-committed.

A letter, of 19 December, from Major General Lincoln, was read, with an affidavit [of William Haslam] enclosed:<sup>2</sup>

*Ordered*, That it be referred to the committee appointed to confer with the General.

The committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Resolve Smith, Esq., for one hundred and eighty dollars, being for his salary, from the 29 September, to the 3 November last, as one of the commissioners of claims.<sup>3</sup>

<sup>1</sup>This petition, dated December 30, 1778, is in the *Papers of the Continental Congress*, No. 42, III, folio 201.

<sup>2</sup>Lincoln's letter is in the *Papers of the Continental Congress*, No. 158, folio 179; the affidavit is on folio 170.

<sup>3</sup>This report, dated January 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 48.

That upon the application of the Committee of Commerce, a warrant issue on the treasurer, in their favour, for sixty two thousand four hundred and sixty dollars, to enable them to pay the following bills drawn on them, for which sum the said committee is to be accountable:

Abraham Livingston's bill, in favour of William Turnbull, dated Charlestown, 23 October, 1778, for 10,000 dollars;

Abraham Livingston and Levinus Clarkson's bill, in favour of John Donaldson & Co., dated Charlestown, April 11, 1778, for 32,000 dollars;

John Wereat's bill, in favour of Alexander Rose, and endorsed to William Turnbull, dated Savannah, November 16, 1778, for 20,000 dollars;

James and Adam Hunter's bill, in favour of Amos Stettle, dated Fredericksburg, December 21, 1778, for 460 dollars.<sup>1</sup>

In consequence of an adjustment by the commissioners of claims, the Auditor General reports:

That there is due to the Rev. Mr. Duffield, his salary as chaplain to Congress, from the first of May, to 31 December, last, inclusive; together with rations and subsistence from the 1 October, 1777, to 31 December last, inclusive, eight hundred and one dollars and 60/90ths.

That there is due to William Trickett, his account for stationery furnished Congress, from 22 June, 1777, to 30th November, 1778, two hundred dollars and 57/90ths.

That there is due to the estate of John Miller, deceased, late Captain in the 6th Pennsylvania regiment, for his pay from the 1 September, to 16 November, 1776, sixty six dollars and 60/90ths.

<sup>1</sup>This report, dated January 19, is in the *Papers of the Continental Congress*, No. 136, III, folio 45.

That there is due to Major William West, in the late 3d Pennsylvania battalion for his pay and rations, from 13 July, 1777, to the 9 May, 1778, during which time he was a prisoner, six hundred and ninety five dollars and 70/90ths.

That there is due to Nathan Sellers, his account for a pair of paper moulds, making, &c. five hundred and fifty two dollars.

That there is due to Colonel Lewis Nicola, for the officers and privates of his invalid regiment, their pay and subsistence, for the month of November, 1778, two thousand and thirty three dollars.

That there is due to Gifford Dally, his account, for sundries furnished an entertainment at the city tavern, the 8th instant, fifteen hundred and forty four dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

The committee to whom was referred the letter from the hon<sup>ble</sup> Sr. Gérard, minister plenipotentiary of France, brought in a report:

*Ordered*, That the same be taken into consideration to morrow morning.

Adjourned to 10 o'Clock to Morrow.

#### THURSDAY, JANUARY 21, 1779

A petition from John Henderson and Ichabod Hollo-way, claimants of the schooner, *John and Sally*, was read:

*Ordered*, That it be referred to the Committee on Appeals.

A letter from sundry officers of Colonel Procter's regiment of artillery was read, desiring to be appointed signers of bills of credit:

<sup>1</sup>This report, dated January 17, is in the *Papers of the Continental Congress*, No. 138, III, folio 39.

*Ordered*, That it be referred to the Board of Treasury.  
~~The order of the day was called for to consider.~~

On motion,

*Resolved*, That the report of the Committee on Appeals, received the 19 instant, be referred to a committee of five, who shall examine into the principles of the powers of the said Committee on Appeals, and the causes of the refusal of the judge of the court of admiralty in the State of Pennsylvania to execute their decree, in the case therein mentioned, and report thereon specially to Congress:

The members chosen, Mr. [Thomas] Burke, Mr. [William] Paca, Mr. [Jesse] Root, Mr. [Eliphalet] Dyer, and Mr. M[eriwether] Smith.

A memorial from the hon. Sieur Gérard, minister plenipotentiary of France and consul general, was read, enclosing a commission of consul in the port of Boston and other ports in Massachusetts bay, to Sieur Valnais:

*Ordered*, That the same be referred to the Marine Committee, and that they be instructed to enregister the commission, and return the original to Mr. Valnais, and take the proper measures for making him known to all whom it may concern, as consul of France in the State of Massachusetts bay.

Congress took into consideration the report of the committee on the letter from the hon<sup>ble</sup> Sr. Gérard, to the Marine Committee, and after sometime spent thereon:

The Committee, to whom was referred the letter from the Honorable Sr. Gérard Minister Plenipotentiary from his most Christian Majesty, beg leave to Report,

That Congress, on the 13<sup>th</sup> day of July last, Resolved that the Commissary General should be directed to furnish the French squadron under Mons. Le Compte d'Estaing, Vice Admiral of France, with such provisions from time to time as should be directed by the Marine Committee, and to make return of his proceedings and expenditures on this occasion to that Committee.

That considerable quantities of provisions have agreeably to the said Resolution been supplied for the use of the said Fleet.

That your Committee have enquired into any promises which may have been made by the Marine Committee, and which were not complied with, for any further supply of flour, and for fuller information have obtained a Report of the Marine Committee thereupon, which is hereunto annexed.

That your Committee have conferred with the Commissary General of Purchases on the obligations he was under to supply flour for the said fleet—the practicability of a compliance, and the expediency of authorizing the minister's agent to purchase flour in Virginia or Maryland, independently of the Commissary General: on all which points they have obtained his official Report, which is also annexed.

That your Committee upon the whole are of opinion that the request of the said Minister to be supplied with flour out of the public Magazines, or for leave to purchase it in Virginia or Maryland by his own agents, cannot be granted without hazarding the subsistence of the armies of these United States: the Commissary General having expressly reported, that he had reason to believe that the United States will not afford more flour than is necessary for their consumption until the next Harvest.

Your Committee do therefore advise that a candid representation of the facts relative to the supplying the French squadron under the command of the Count d'Estaing with flour, be made to the S<sup>t</sup>: Gérard, the Minister of his Most Christian Majesty, as well to prevent any misunderstanding, ~~as to enable him to take reasonable measures for drawing supplies of Flour for the said Fleet from Europe.~~<sup>1</sup>

*Ordered*, That the farther consideration thereof be postponed till to morrow morning.

The Committe on the Treasury brought in a report;  
Whereupon,

*Resolved*, That the pay master of the Board of War and Ordnance, be directed to carry into execution the resolution of Congress of the 12 January, for exchanging bills of the emissions of May 20, 1777, and April 11, 1778, so

<sup>1</sup> This report, in the manuscript of James Duane, is in the *Papers of the Continental Congress*, No. 25, I, folio 63. It is endorsed: "Debated January 21; referred over to 22." Other papers relating to this subject are in No. 29, folios 125-148.

far as respects officers and soldiers in this city, transmitting an account of such exchanges to the pay master general, or deputy pay master of the department to which such officers and soldiers respectively belong.

Whereas in adjusting the accounts of the army, many inconveniences to the public as well as individuals have arisen from the distance of the offices of the auditors and pay master general from the quarters of the commanding officer, and for remedy thereof the provision already made is inadequate to the purpose:

*Resolved*, That the auditors of the army, and the pay master or deputy pay master general, be authorized to provide for themselves respectively, from time to time, a convenient house near head quarters for an office; that they be not precluded from their choice, unless by order of the Commander in Chief, or commanding officer of the department, and that no other officer be quartered therein.

Whereas the militia furnished by the State of Virginia have received supplies of money from the continental treasurer, pay master general, and deputy pay master general in the said State, in addition to the sums that may have been advanced by the said State:

*Resolved*, That the auditor general and auditors of the army, be respectively directed to transmit to his excellency the governor of the said State, all accounts in their offices of moneys advanced as aforesaid, that effectual measures may be taken by the State for preventing loss to the public, as well as to individuals, in the settlement of the said accounts.

*Ordered*, That a warrant issue on the treasurer, in favour of Major John Clark, auditor in the army, for six hundred dollars, advanced him on account.<sup>1</sup>

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 49.

Report of commerc<sup>l</sup> Com<sup>ee</sup> respects<sup>s</sup> Curson's Demands. Commercial Committee, 21<sup>st</sup> January, 1779:

Your Committee beg leave to report that there is due to M<sup>r</sup> Sam<sup>l</sup> Curson, your Agent at S<sup>t</sup> Eustatia, ninety six thousand Continental dollars, which he proposes receiving in Loan office Certificates, provided he can be indemnified in case they should be taken or destroyed in sending them to S<sup>t</sup> Eustatia. The Committee request the opinion of Congress hereon.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

**FRIDAY, JANUARY 22, 1779**

A letter, of 15, from Colonel Lambert Cadwallader, of the Pennsylvania forces, to the Board of War, was laid before Congress, and read, requesting leave to resign his commission:<sup>2</sup>

*Resolved*, That his resignation be accepted.

The committee, to whom was referred the letter from Major General Lincoln [of 19 December], brought in a report; Whereupon,

*Resolved*, That letters be despatched to their excellencies the governors of Virginia and North Carolina, earnestly requesting them to press forward the relief formerly recommended by Congress to be sent from those states to South Carolina and Georgia, and such further assistance as may be requested by the commanding officer in the southern department, and that particular attention be paid to the arming them in the best manner and retaining them as long as the service shall render it necessary; [and that the governor of Virginia be requested to send forward to South Carolina such part of the regiment of artillery raised by the State of Virginia as may be spared on that service.]<sup>3</sup>

<sup>1</sup> This report, in the writing of Francis Lewis, is in the *Papers of the Continental Congress*, No. 36, IV, folio 267.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 308.

<sup>3</sup> The words in brackets were inserted by John Jay.

In debating the foregoing resolution, a motion was made to amend it as far as it respects North Carolina, in manner following:

"That the President write to the governor of North Carolina, requesting him to lay before the general assembly of that State, the earnest desire of Congress that they send such aid of militia to the assistance of South Carolina or Georgia, as the commanding officer in the southern department shall request."<sup>1</sup>

An amendment on the amendment was moved as follows:

"And that the said State of North Carolina be requested to grant such further assistance as may be requested by the commanding officer in the southern department."<sup>2</sup>

On this the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	no } no	Mr. Jay,	no }
Frost,	no }	Duane,	ay }
Mr. S. Adams,	no } *	Floyd,	no }
Mr. Gerry, excused, not being present at the debate.		Mr. Roberdeau,	no }
Mr. Ellery, excused for the same reason.		Searle,	no }
Mr. Collins,	no } no	Clingan,	no }
Mr. Dyer,	ay } div.	Shippen,	no }
Root,	no }	Delaware,	
Ellsworth, excused for the reason above-mentioned.		Mr. M'Kean,	no } no
Connecticut,		Maryland,	
Mr. Paca,		Mr. Paca,	no }
Henry,		Henry,	no }
Garnichael, ex- cused, not be- ing present at the debate.		Garnichael, ex- cused, not be- ing present at the debate.	

<sup>1</sup>This motion, in the writing of Thomas Burke, and amended by Samuel Adams, is on folio 555.

<sup>2</sup>This amendment, in the writing of James Duane, with the Note, in that of Thomson, is on folio 553.

<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams,	no }	Mr. Laurens,	no }
F. L. Lee,	no } no	Drayton,	no } no
M. Smith,	no }	Hutson,	no }
<i>North Carolina,</i>		<i>Georgia,</i>	
Mr. Penn,	ay }	Mr. Langworthy,	no } no
Hill,	ay } ay		
Burke,	ay }		

So it passed in the negative.

Question put on the amendment: passed in the negative.

*Resolved*, That the President of Congress inform Count d'Estaing, or the admiral commanding the fleet of his most Christian Majesty, in the West Indies, of the circumstances of Georgia and South Carolina by the invasion of the enemy, and that he be requested to afford such relief as may be in his power; [and that the president of South Carolina be confidentially requested to send to the Count d'Estaing, from time to time, the earliest information respecting the force and situation of the enemy in Georgia or South Carolina.]<sup>1</sup>

That the President of Congress confer with the Sr. Gérard, Minister Plenipotentiary from his most Christian Majesty, on the subject of the foregoing resolution, in order to obtain his interposition with the Count d'Estaing, for the relief aforesaid.<sup>2</sup>

*Resolved*, That the Marine Committee be directed forthwith to fit out two dispatch boats to carry the dispatches of Congress to the Count d'Estaing, and that

<sup>1</sup>The words in brackets were inserted by John Jay, the original report recommending that information be given by the governors of Maryland, Virginia, and North Carolina.

<sup>2</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, III, folio 551.

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the Marquis de Brétigny be requested to take charge of one of those dispatches to the Count.<sup>1</sup>

*Ordered,* That the Committee, at their request, have leave to sit again.

Congress resumed the consideration of the report of the committee on the letter from the hon. Sieur Gérard to the Marine Committee; and after debate;

*Ordered,* That the committee wait upon the Sieur Gérard and confer with him on the subject of supplies requested by him, and give him a candid representation of the condition of our resources for flour, bread, &c. from the best information we have been able to collect, and report what ought and may be done in respect to the supplies asked.

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, JANUARY 23, 1779**

Mr. [Fredrick] Frelinghausen, a delegate from New Jersey, attended.<sup>2</sup>

A letter, of this day, from J. Wadsworth, was read, respecting the methods taken to evade the law made by Pennsylvania against distilling grain, &c:

*Ordered,* That it be referred to the committee appointed to superintend the departments of the quarter master and commissary general of purchases, and that they prepare a recommendation to the several states on the subject, and report on Monday.

*Resolved,* That a member be added to the said committee:

The member chosen, Mr. F[rancis] L[ightfoot] Lee.

<sup>1</sup>This paragraph, and an outline of the earlier paragraphs, in the writing of William Henry Drayton, is on folio 557.

<sup>2</sup>Although Thomson generally writes the name thus, I have substituted the proper spelling in the subsequent entries.

A letter, of 21, from General Washington, was read: Whereupon,

*Resolved*, That Colonel Rawlings and such of the officers of his corps as shall be appointed by the Commander in Chief, forthwith recruit three companies of that corps to the full complement:

That the volunteers be inlisted for the war, and ordered to repair to Fort Pitt:

That each able bodied recruit who shall pass muster, shall be allowed such bounties as are or shall be granted by Congress for recruiting the army for the ensuing campaign; and that the Board of War take proper measures for carrying this resolution into effect.

A letter, of 6, from Major General Phillips, was read, requesting leave to go into New York, and to be permitted to remain there six weeks: Whereupon,

*Resolved*, That, however willing Congress are to soften the rigors of war by granting every indulgence to officers who are prisoners, yet justice to their own officers, who are all summoned into New York, forbids their granting Major General Philips's request.

*Ordered*, That the Commander in Chief be directed to order Major General Phillips immediately to repair to the place of his destination in Virginia.

A letter, of 19th, from Colonel J. Beatty, commissary of prisoners, was read, with sundry papers enclosed:<sup>1</sup>

*Ordered*, That they be referred to the committee appointed to confer with the Commander in Chief.

The Committee appointed to confer with the Commander in Chief beg leave to report the following resolution:

Whereas, great inconveniences have arisen from the variety of characters thro' which the business of exchanging marine prisoners

<sup>1</sup>The Washington letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 45; that of Phillips in No. 57, folio 345; that of Beatty in No. 78, III, folio 266.

hath been conducted, and the Commissary of Prisoners is thereby greatly embarrassed in the execution of his office,

*Resolved*, therefore, that the whole business of exchanging prisoners be transacted through the medium of the Continental Commissary of Prisoners.

That in all cases where prisoners are captured by Continental vessels of War they shall be maintained at the publick expense and exchanged on the same general principles as prisoners of the Continental line: But when captured by State or private vessels of War they shall be exchanged for the benefit of the particular State in whose service they were taken. That supplies for prisoners in both instances shall be provided at the charge of the United States. That the Agent for prisoners residing with the enemy shall ascertain the prisoners, whether marine or civil persons, of each State, and Keep regular accounts of the quantity of provisions and necessaries delivered to them respectively, and transmit them to the Commissary of prisoners, in order that the amount may be charged to each respective State whose prisoners are so maintained. That the Commissary shall correspond and Keep accounts with an Agent to be appointed by each State or (until an Agent is appointed) with the executive authority, respecting the prisoners taken and to be exchanged; And they shall mutually furnish each other with the names quality and situation of prisoners in each respective State taken from the enemy, and of the marine or private prisoners of such State in the hands of the enemy, and enter into mutual responsibility for the prisoners taken and exchanged, that publick faith may be preserved, and cartels or agreements for exchanges be carried into full effect.<sup>1</sup>

A letter, of 22, from J. Reed, president of Pennsylvania, was read, desiring that the papers relative to Miss Levy, which were transmitted to Congress, on 20 October, by the Council, be returned:<sup>2</sup>

*Ordered*, That the said papers be returned.

<sup>1</sup>This report, without date, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 33, folio 311. It is indorsed "Recommitted." It is inserted at this point merely because of the subject-matter, for there is nothing to show that it was suggested by Beatty's letter.

<sup>2</sup>Reed's letter is in the *Papers of the Continental Congress*, No. 49, I, folio 583.

Congress took into consideration the report of the committee on sundry letters from Major General Mifflin, late quarter master general, which was read, as follows:

"We, your committee, appointed by a resolve of the 17 August last, upon sundry letters addressed to Congress by Major General Mifflin, late quarter master general, beg to report,

"That, upon perusal of sundry letters wrote by your Commander in Chief during last winter, and by your committee then sitting in camp, it appears that the troops suffered very great and sore distress in the articles of provisions, forage, and camp transportation; that the said distress is therein ascribed to the neglect, deficiencies, or other mismanagement of the said department:

"That Congress on the 11 June last, passed the following resolve, viz.

That General Washington be directed to order an enquiry to be made into the conduct of Major General Mifflin, late quarter master general, and the other officers who acted under him in that department, and if it shall appear that the extraordinary deficiencies thereof, and the consequent distresses of the army, were chargeable to the misconduct of the said quarter master general, or any of the said officers, that a court martial be forthwith held on the delinquents.

"That it does not appear to your committee that any proceedings have been since had thereupon. Your committee also beg leave to add, that during their consideration of this matter, information was given to them, supported by sundry affidavits, from which it appears probable that during the winter 1777, and the spring 1778, when the army was in the suffering state before mentioned, sundry brigades of waggons in the public service were sent to New Windsor, Newburg, Hartford, and Boston, with flour and iron on private accounts, and brought back private property; that it also appears probable from

said affidavits, that the said flour and iron had been taken as for public use at the regulated prices then fixed by law; and that the waggons during such transportation, were subsisted at the different posts on the public forage; that Colonel Robert Lettis Hooper, then and now deputy quarter master general, appears to have been the principal director of the said waggons at that time:

"Your committee, therefore, under all the circumstances of the case, report, if the said resolution of the 11 June is to be carried into execution, the same should be done by a court of enquiry and court martial in the usual manner; and that General Washington be directed to proceed accordingly, the parties concerned having reasonable notice. Your committee also present to the House the affidavits they have taken and the minutes of their proceedings, to be disposed of as Congress think proper:"<sup>1</sup>

Whereupon,

*Resolved*, That Congress agree to the said report.

*Ordered*, That a copy thereof, together with the affidavits, &c. therein mentioned, be transmitted to the Commander in Chief.

Congress took into consideration the letter from Count Mountfort, major in Count Pulaski's legion, desiring leave to resign his commission, in order to return home, on account of his private affairs: Whereupon,

*Resolved*, That his resignation be accepted, and that he be allowed his usual rations for the space of two months, provided he shall not embark before the expiration of that time.

Congress took into consideration the report of the committee appointed to confer with the Commander in Chief: Whereupon,

<sup>1</sup> See under December 22, 1778.

*Resolved*, That the army infantry of these United States, for the next campaign, shall be composed of 80 battalions consist of the number of battalions and men ascertained by a committee of arrangement and approved by Congress, on the day of .

~~3 of N. Hampshire; 15, Massachusetts bay; 2 Rhode island; 8, Connecticut; 5, N. York; 3, New Jersey; 11 Pennsylvania; 1 Delaware; 8 Maryland; 11 Virginia; 6 N. Carolina; 6 S. Carolina; 1 Georgia; each of the said battalions to consist of the number of commissioned and non commissioned officers and privates established by an act of Congress, passed on the 27 day of May, last.~~<sup>1</sup>

*Resolved*, That the Commander in Chief be authorized and directed to take the most effectual measures, to reinlist for the continuance of the war, all such of the continental troops as are not expressly engaged for that period, as well as for raising new recruits in the United States, to complete the battalions to their proper complement; and for those purposes, besides the bounties of cloathing, and at the expiration of the war, of money and land heretofore provided by Congress, for encouraging the recruiting service, to grant to each able bodied soldier now in the service, and who shall voluntarily re-inlist during the war, a bounty according to the circumstances of his present engagement, but not to exceed in any case 200 dollars; and to each new raised recruit who shall enlist in any of the continental battalions during the war, such a bounty as the Commander in Chief shall judge proper, but not to exceed two hundred dollars.

*Resolved*, That there be allowed to the officers to be appointed to re-inlist during the war such of the soldiers as are not engaged for that period, and to the officers to be appointed to recruit the new levies in the country respectively, such reward as the Commander in Chief

<sup>1</sup>This paragraph is written in the margin of the Journals.

shall think fit, in the first case not to exceed 10 dollars, nor in the last 20 dollars for each able bodied man who shall pass muster, with three dollars per day for his expences whilst in the recruiting service.

And whereas the partial bounties heretofore granted by the Legislatures of the respective States for recruiting their Quotas of Men in

the Continental Army have, altho' well intentioned, occasioned a Competition hurtful to the Service and productive of Dissatisfaction and Complaints, And whereas by the blessing of divine Providence the extraordinary exertions of the several States individually are in this respect no longer necessary, And the Bounties now granted by Congress being sufficiently liberal,

*Rejected.*  
*Recommitted.*  
*March 9, 1779.* *Resolved*, That it be recommended to the Legislatures of the respective States to revoke all bounties now subsisting by virtue of any of their Laws for Encouraging the Recruiting service in the Continental Army; And to refrain from granting any such Bounties for the future.<sup>1</sup>

*Resolved*, That the Commander in Chief be authorized and directed to superintend the Operations from Fort Pitt, for the Security of the Western frontiers and the Annoyance of the Enemy; and from time to time to give such orders respecting the same as he shall judge expedient.

*Resolved*, That the Commander in Chief do in future consider the Northern Department to be equally under his Direction and Superintendence with the other Departments respectively; and that he establish such Posts, and station the Troops in such manner in the said Departments respectively, as the good of the Service may from time to time require.

<sup>1</sup>The marginal references are not clear, save to show that this paragraph was recommitted. In No. 33, folio 279, is a report, in the writing of James Duane, without date or indorsement, which may refer to the subsequent action of the committee on this subject. It was as follows:

"The Committee appointed to confer with the Commander in Chief: beg leave to offer the following report:

"That they have reconsidered the resolution offered to Congress and since recommitted, for recommending to the United States to desist from granting partial bounties to the troops to be recruited for the war; And that they adhere to their former opinion that the said resolution is salutary and will promote the publick service.

"The Committee not having completed the business committed to them beg leave to sit again."

See under March 9, 1779, post.

*Resolved*, That the Commander in Chief be directed to superintend and direct the military operations in all the departments in these states, subject to the regulations and orders of Congress, from time to time, which are to be transmitted to the Commander in Chief, and by him to the departments for which they shall be calculated, except in cases of evident necessity, when they may be sent directly to the commanding officer of the department, advising the Commander in Chief thereof.

*Resolved*, That the commissary of prisoners reside at the head quarters of the army; that he shall make no exchange of prisoners but such as shall be directed by Congress, the Board of War, or Commander in Chief, or with respect to marine prisoners, by the Marine Committee:

That all future instructions respecting his department, shall be transmitted to him through the Commander in Chief:

That whenever the commissary shall think it necessary to send a flag into the enemy's lines with provisions for the prisoners or on any other business, he shall make application to the Commander in Chief, who will judge of the cause and the propriety in point of time and other circumstances.<sup>1</sup>

*Resolved*, That the director general || of the medical department || be authorized and instructed to enjoin the several deputy directors, physicians, and surgeons general and other officers under his superintendence, to attend and perform such duties at any post or place, as a change of the position of the army, or other circumstances, may, from time to time, make necessary, and shall be required by the Commander in Chief, notwithstanding such deputy

<sup>1</sup>This report, in the writing of James Duane, is in the Papers of the Continental Congress, no. 33, folio 269. It is endorsed as brought in on January 17, and ends by a request from the committee for "leave to sit again."

director, physician, or surgeon is, by the general arrangement of the hospitals, attached to a particular department; and that in case of any dispute concerning their seniority or precedence, the director general shall determine the same in the first instance, the party supposing himself aggrieved being at liberty to appeal for redress to the Medical Committee.

*Resolved*, That the director general be authorized and instructed to supply, for the use of the regimental surgeons, such medicines and refreshments as may be proper for the relief of the sick and wounded before their removal to a general hospital, and to be dispensed under the care and at the discretion of the physician and surgeon general of the army.<sup>1</sup>

A report from the Board of War on the department of the inspector general, was read, and after debate:

AT A BOARD OF WAR, January 21, 1779.

Present, Col Pickering, M<sup>r</sup> Lee, M<sup>r</sup> Root and M<sup>r</sup> Peters.

The Board in consequence of their being directed to proceed in the business of the Committee of arrangements, having perused and considered the report of the Committee of Congress on the subject of the Department of the Inspector General, which was submitted to the Commander in Chief for his opinion thereon, and having also considered General Washington's objections to such parts thereof as he thought improper, and his proposed alterations and amendments [both the said report and observations of the General having been referred to the Committee of Arrangements who have not reported thereupon] have formed the following plan, with no substantial variations from General Washington's sentiments, which being (in our opinion) most adapted to the situation and temper of our army, the Board have for the most part adopted where ever they differed from the report of the Committee. They therefore beg leave to submit to Congress the following resolutions:<sup>2</sup>

<sup>1</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 38, folio 277.

<sup>2</sup>The resolutions are printed under February 18, post. Washington's observations on the Inspectorship are in the *Papers of the Continental Congress*, No. 152, VII, folio 235.

*Ordered*, That it be referred to the committee appointed to confer with the Commander in Chief.

The Committee on the Treasury brought in a report; Whereupon,

TREASURY OFFICE January 23<sup>d</sup> 1779.

The Committee on the Treasury beg leave to report the following Resolution

That Forty Millions of Dollars be borrowed on the faith of the United States at an annual interest of Six p'r cent, and that for this purpose Loan Office Certificates of the following denominations be forthwith struck and sent to the Continental Loan Offices under the direction of the Board of Treasury:

400	certificates of 10,000 Dolls each	4,000,000
800	d° 5,000 do	4,000,000
1000	do 4,000 do	4,000,000
1334	do 3,000 do	4,002,000
2000	do 2,000 do	4,000,000
4698	do 1,000 do	4,698,000
8000	do 600 do	4,800,000
8000	do 500 do	4,000,000
10000	do 400 do	4,000,000
5000	do 300 do	1,500,000
5000	do 200 do	1,000,000
		Dollars
		40,000,000

That a warrant issue on the Treasurer in favor of Frederick Bicking, paper maker, for Two Thousand Dollars advanced him on account.

That an additional auditor of accounts be appointed in the grand army.

That four auditors of accounts for separate commands of the army be appointed, each with power and authority to settle accounts in those commands respectively according to the rules and regulations established for the Auditors in the grand army.

That they respectively take their stations from time to time by advice of, and correspond with, receive instructions from, and make monthly returns of their proceedings to the Board of Auditors in the

grand army, which Board, so often as they shall judge necessary, for uniformity and dispatch of business, shall visit by one of their members, the Offices of the Auditors in the respective commands.<sup>1</sup>

That Tuesday next be assigned for electing the said auditor.

*Resolved*, That the consideration of the remainder of the report be postponed to Monday.

A letter, of this day, from J. Clark, one of the auditors in the army, was read, recommending Mr. W[illiam] Bedlow, as a proper person to be appointed an auditor in the main army.<sup>2</sup>

Adjourned to 10 o'Clock on Monday.

#### MONDAY, JANUARY 25, 1779

*Ordered*, That the Board of War take into consideration, and report a plan to be observed in issuing military commissions.

A letter, of 26 December, 1778, from Major General Lincoln, was read:

*Ordered*, That it be referred to a committee of three, and that it be an instruction to the said committee to revise the several acts of Congress, respecting the southern department, and report whether any, and what farther power is necessary to be given to the commanding officer of the said department:

The members chosen, Mr. [Henry] Laurens, Mr. [Jesse] Root, and Mr. F[rancis] L[ightfoot] Lee.

A memorial from Baron de Thulier, was read:<sup>3</sup>

<sup>1</sup>This report, dated January 23, is in the *Papers of the Continental Congress*, No. 126, III, folio 53.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 307.

<sup>3</sup>This memorial, dated January 24, is in the *Papers of the Continental Congress*, No. 41, X, folio 53.

*Ordered*, That it be referred to the committee on the former memorials of the said Baron, and of the Marquis de Brétigny.

A letter, of 14, from Johnston Smith, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Daniel] Roberdeau, Mr. [Eliphalet] Dyer, and Mr. [Whitmill] Hill.

A motion being made for remedying abuses in the several public departments of the United States:

*Ordered*, That the same be referred to a committee of five:

The members chosen, Mr. S[amuel] Adams, Mr. G[uverneur] Morris, Mr. [Daniel] Roberdeau, Mr. [Jesse] Root, and Mr. M[eriwether] Smith.

A memorial from Lieutenant Colonel Oswald and Captain Jonathan Brown, and a letter, of 16, from James Stevenson and Samuel Downe, were read:<sup>2</sup>

*Ordered*, That they be referred to the Board of Treasury.

Congress resumed the consideration of the report of the Committee of Treasury, under debate on Saturday,

*Resolved*, That it be re-committed.<sup>3</sup>

The Committee on the Treasury brought in a report; Whereupon,

*Resolved*, That the Minister Plenipotentiary and Commissioners of the United States in Europe be instructed to obtain copies of the arrangements and forms of conducting the business of the treasury, war office, marine, and other offices of government at the Court of Versailles, and other kingdoms or republics, in which they may respectively reside; and also at the Court of Great Brit-

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 341.

<sup>2</sup> This memorial, dated January 16, is in the *Papers of the Continental Congress*, No. 41, VII, folio 221.

<sup>3</sup> See February 9, post.

ain, and that triplicates of such copies be sent to Congress, as soon as may be, together with any useful information relative to their treasuries.

*Resolved*, That all accounts due for back rations of the army to the last day of December, 1776, inclusive, be exhibited to the auditors of the army for settlement, before the 1st day of June next, or not afterwards allowed.

*Ordered*, That the remainder of the report be re-committed.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 26, 1779

The Board of War laid before Congress a letter, of 11, from Brigadier McIntosh, at Fort Pitt, with a letter enclosed from Colonel Gibson, which were read:

*Ordered*, That they be returned to the Board, with direction to furnish General Washington with a copy of the same for his information.

A letter, of 25, from his excellency J. Reed, president of Pennsylvania, was read:

*Ordered*, That it be referred to a committee of five:

The members chosen, Mr. [William] Paca, Mr. [Thomas] Burke, Mr. [William] Floyd, Mr. [Samuel] Holten, and Mr. [Jesse] Root.

*Ordered*, That the committee proceed thereon, and, having conferred with the president and council of this State on the subject of the said letter, make report with all convenient speed.

A letter, of 8, from the Board of War of Boston, and,

A letter, of 13, from Juan Garlix [Garcia] Duarti, with sundry papers relative to the snow, *Our Lady of Mount Carmel and St. Antonio*, were read:<sup>1</sup>

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 44, folio 71.

*Ordered*, That they be referred to the committee on a former letter on that subject.

The hon<sup>ble</sup> Mr. M[eriwether] Smith laid before Congress sundry papers, which he informed the House contained matters of public information, and which the delegates of Virginia were instructed to lay before Congress: the papers being read, are,

1. An account, headed "Sums advanced for the State of Virginia, by the hon<sup>ble</sup> Arthur Lee, Esq. dated September 3, 1778," and undersigned "a true copy, H. Ford, secretary;" on which is endorsed as follows, "the delegates from the State of Virginia are instructed to lay this paper before Congress, with a view to inform them that Hezekiah Ford, who signs it as secretary to the hon<sup>ble</sup> Arthur Lee, hath been and is considered by the governor and council of this State as an enemy to the American cause of independence, and by no means a fit subject to be near the person of an American commissioner in Europe, or entrusted with any of the secrets of the United States or of their allies. January 25, 1779."

*Ordered*, That the Committee of Foreign Affairs communicate to the hon<sup>ble</sup> Mr. A. Lee, by the first opportunity, the purport of the above endorsement, that he may be acquainted with the character of Mr. Ford.

2 paper. A resolution of the general assembly of Virginia, dated December 18, 1778, "for the more effectually enabling Congress to comply with the promise of a bounty in lands to the officers and soldiers of the army on continental establishment."

3. A resolution of the general assembly of Virginia, directing the governor to give Congress information respecting the state of the treasury of that State.

*Ordered*, That this be referred to the Board of Treasury.

A letter, from Mr. President Reed, to the delegates of the State of Pennsylvania, was laid before Congress, and read:<sup>1</sup>

*Ordered*, That it be referred to the committee appointed to inquire into the right of Pennsylvania to an additional number of brigadiers.

That three members be added to the said committee:

The members chosen, Mr. [William] Paca, Mr. [Jesse] Root, and Mr. [John] Henry.

*Resolved*, That the Secretary of Congress, or one of his deputies, be directed to attend the committee, appointed to take into consideration the foreign affairs of these States, &c., with the papers respecting their appointments, from time to time, as they shall require.

Adjourned to 10 o'Clock to Morrow.

**WEDNESDAY, JANUARY 27, 1779**

*Resolved*, That a commission of lieutenant in the service of the United States, be granted to the Marquis de Brétigny, and that he be recommended to the particular notice of General Washington.

A letter, of this day, from General Washington, was read, enclosing a letter from Captain Stoddard, requesting leave of absence to go to France for the recovery of his health.

*Ordered*, That a furlough be granted to Captain Stoddard for the purpose mentioned in his letter.

*Ordered*, That the General's letter be referred to the Board of Treasury.

<sup>1</sup> This letter, dated January 20, 1779, is in the *Papers of the Continental Congress*, No. 69, I, folio 575.

The first resolution passed 23d, on the report of the committee appointed to confer with the Commander in Chief, being re-considered, and sundry amendments moved thereto:

*Ordered*, That the said resolution, together with the amendments, be recommitted.

*Ordered*, That the President furnish the Marquis de Britigny with the commission granted to him, and expedite as soon as possible the despatches to Count d'Estaing, giving the Marquis such letters of credence and instructions as the President shall judge proper, consistent with the views of Congress as expressed in their resolutions of the 22d:

That the captain of the vessel in which the Marquis may embark, receive such orders as shall be agreed on by the President of Congress and chairman of the Marine Committee.

The Committee on the Treasury brought in a report; Whereupon,

*Resolved*, That the council employed to prosecute Cornelius Sweers, be authorized to deliver to him such of his private papers as do not relate to the complaint against him, and copies of all such other papers as his council may judge necessary for his defence.

*Resolved*, That the Board of War be authorized to order the personal property of Cornelius Sweers, attached by order of Congress to be delivered to him on his producing to the said Board a certificate from the council employed against him by the United States, that

he has given sufficient Bonds with sureties to restore to  
*Postponed*. such persons as Congress shall appoint for this purpose,  
in case of his being convicted on either of the Indictments found against him in pursuance of a prosecution ordered by Congress the 24<sup>th</sup> August last, the whole or such part of the said personal property or the value thereof as may be forfeited in consequence of such conviction.

The Committee agreeable to the order of Congress having reconsidered their report of the 22nd instant relative to back rations beg leave to report:<sup>1</sup>

*Ordered*, That the remainder of the report be postponed.

A motion being made relative to Capt McLane's company:

*Ordered*, That it be referred to the committee appointed to confer with the Commander in Chief.

Adjourned to 10 o'Clock to Morrow.

**THURSDAY, JANUARY 28, 1779**

The President informed Congress, that the Minister of France expects that the application for the aid to be asked of Count d'Estaing should be accompanied with assurance of compensation, agreeably to the spirit and meaning of the 4 Art. of the Treaty of Alliance, to be hereafter settled by a convention between the court of France and the United States; Whereupon,

*Resolved*, That a committee of three be appointed to take the same into consideration, and report such resolution on the subject as may be proper in their opinion, for Congress to enter into on the subject:

The members chosen, Mr. [Henry] Laurens, Mr. S[amuel] Adams, and Mr. [William] Paca.<sup>2</sup>

The Committee appointed to confer with the Minister of France on the subject of an application for aid from the Count D'Estaing, beg leave to report the following resolution:

*Resolved*, That it is the opinion of this Committee that in case the Count D'Estaing shall comply with the requisition of Congress and,

<sup>1</sup> The remainder of the report is printed under January 30, 1779, p. 127, post. The report, dated January 27, is in the *Papers of the Continental Congress*, No. 28, folio 47.

<sup>2</sup> F. L. Lee appears to have been first written, and a large blot confuses the original as well as the inserted name; but Paca is the name, as the report was prepared by him.

furnish the aid required, and his most Christian Majesty shall hereafter demand compensation, the same shall be considered, adjusted and determined by future agreement conformable to the treaty now subsisting between his said Majesty and the United States and the true spirit and meaning thereof.<sup>1</sup>

<sup>1</sup> This report, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 19. I, folio 333. On folio 337, in the writing of George Bond, is a fair copy of an undated letter, probably intended for the Minister of France, and touching on this subject of compensation:

"SIR: The candor and frankness, which have distinguished all your negotiations with these States, impose particular obligations on Congress to observe on all occasions the like conduct towards you.

"They consider the arms of the allies as united in one common cause, for the great purpose of effectually maintaining the liberty sovereignty and independence, absolute and unlimited, of these States, and for mutual aid during the course of the war, and they admire the wise provision made by the treaty for preserving the harmony subsisting between them, by excluding all after claims of compensation on one side or on the other, whatever may be the event of the war.

"How far the fourth article of the treaty directs a stipulation for compensation to precede a particular enterprize proposed by one party, and to which the aid of the other is requested, has been taken by Congress into consideration.

"They are of opinion that the compensation mentioned in that article, cannot relate to enterprizes essential to the design of the alliance, and which may be proposed and undertaken by either party to secure, not extend their respective territories, or to diminish the power of the enemy by defeating their fleets and armies, not conquering their countries or cities.

"The expedition in question aims at nothing more than the expulsion of the enemy from a State which cannot be sovereign and independent while they remain masters of its capital, and by destroying part of their force advance the declared end of the war, which is to compel the enemy to yield the great objects of the alliance. The enterprise therefore must be considered in the same light with all other joint and ordinary exertions of force against the common enemy, and can give to neither party any more claim to compensation than they could have derived from the reduction of Rhode Island by the United forces which operated against it.

"But, on the other hand, if after expelling the enemy from Georgia, Congress should extend their views and concert an enterprize against S<sup>t</sup> Augustine, and request the aid of France in executing it, there can be no doubt but that according to the article in question, a prior convention ought to regulate the proportion of force each should furnish, and the share of advantage which each should reap by the conquest, because, as in this case new territory is to be acquired, reason demands that the party benefitted by the acquisition should make adequate compensation to the other.

"However, Sir, as Congress ardently wish to render the alliance perpetual, and therefore are solicitous to avoid all cause of future discontent or dispute, they forbear on this occasion to request or solicit, but only recommend to Count D'Estaing to detach to Georgia such part of his fleet, as may answer the purpose intended, pro-

A letter and account from Richard Sewell and F[rederick] Kuhl, commissioners of the county of Philadelphia, for the use of the new jail, was laid before Congress:<sup>1</sup>

*Ordered*, That the same be referred to the Board of Treasury.

The committee to whom was referred the memorial from Baron de Thulier, brought in a report; which, together with a report from the Board of War respecting Mons. Mauleon, were taken into consideration; Whereupon,

*Resolved*, That the President be desired to write letters to the Baron Thulier and Mons. de Mauleon, thanking them for the offer of their services to the United States, and informing them that as the situation of affairs do not admit of their being employed in the public service in stations suitable to their merit, Congress cannot have the pleasure of accepting the offers of their service:

And as these gentlemen have been long in attending the decision of Congress upon their applications, and have thereby sustained an heavy expence, and will also sustain an additional expence in their return to Europe:

*Resolved*, That 1500 dollars be granted to each of them, to enable them to return to Europe.<sup>2</sup>

vided he be not so engaged in more important expeditions as to render a compliance impracticable or improper.

"In this recommendation, if you approve the measure, they request the favor of you to join—They view it as a military manoeuvre which appears worthy of attention, and in that light only submit it to your and his consideration.

"It gives me pleasure, Sir, to be authorized and directed to assure you, that as on the one hand these States will faithfully observe the Treaty and make the most strenuous efforts against the common enemy, so on the other, They entertain not the least doubt but that their great Ally, as well as his Ministers and officers in every department, are influenced by the same principles, and will cheerfully exert all the power of his formidable Kingdom to obtain the avowed and important objects of the noble and liberal treaty he hath concluded with these States."

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 387.

<sup>2</sup> This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 19, II, folio 47.

The committee appointed to confer with the Commander in Chief, to whom was committed a letter of 19, with sundry papers enclosed, from the commissary of prisoners, brought in a report; Whereupon, Congress came to the following resolutions:

Whereas it has been represented in behalf of Sir Henry Clinton, commanding the British troops in New York, that some officers of the army of these United States have withdrawn themselves from captivity contrary to their paroles; and such a breach of public honor and private faith being in every view reprehensible and injurious:

*Resolved*, That the Commander in Chief be directed to make strict enquiry into the truth of the said allegation, and if it shall appear to be well founded, to take the necessary measures for causing every officer who shall have escaped from captivity in violation of his parole, to be returned within the enemy's lines, or to order the commissary of prisoners to account in his exchanges for all such officers, in such manner as is agreeable to practice and to the principles which have heretofore regulated exchanges between the two armies, and to report the names of such officers to the Board of War:

And it being further represented to Congress by the commissary of prisoners, that divers British officers, prisoners to these states, have violated their paroles:

*Resolved*, That the Commander in Chief be directed to require from Sir Henry Clinton, or officer commanding the British troops, the same degree of justice with respect to the British officers, prisoners to these United States, who have broken their parole, which this Congress have directed to be done on their part by the preceding resolution.<sup>1</sup>

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 38, folio 277.

A letter, of 6, from Major General Lincoln, was read; with a letter, of 30th December last, from Major General Howe, and sundry papers enclosed:<sup>1</sup>

*Ordered*, that the same be referred to the Board of War.

The committee to whom was referred the information from the President, brought in a report, which was read.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 29, 1779

A letter, of this day, from General Washington, was read.<sup>2</sup>

A letter, of this day, from D. Franks, was read, informing that he has applied to the executive council of Pennsylvania, for a pass for his clerk, Patrick Rice, to go into New York to settle his accounts, as late commissary of the British prisoners, and that the council have referred him to Congress;<sup>3</sup> Whereupon,

*Resolved*, That Congress do not object to the council of this State granting a pass to such of Mr. Franks' clerks to go to, and return from New York on the business mentioned in his letter, as they can confide in, and that such clerk take the directions of General Washington, as to the time and manner of his going in.

*Ordered*, That the intelligence received from Georgia and South Carolina be referred to the committee appointed to confer with the Commander in Chief; that they immediately confer thereon with the General, and report such resolutions, as they may think necessary to be passed for the defence of those states.

<sup>1</sup>The letter of Lincoln is in the *Papers of the Continental Congress*, No. 158, folio 185; that of Howe is on folio 189.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 93.

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 243.

The committee, to whom were referred the letter of 1, from General Washington, and the letter of 3, from Major General Schuyler, brought in a report:

*Ordered*, To lie on the table.

Congress took into consideration the report of the committee on the information given by the President, and some time being spent thereon,

*Ordered*, That it be re-committed.

That two members be added to the committee:

The members chosen, Mr. [Oliver] Ellsworth, and Mr. [James] Duane.

A letter from Colonel G. Gibson to General Washington, was read.<sup>1</sup>

*Ordered*, That it be referred to the committee appointed to confer with the Commander in Chief, and that they take such order thereon as they judge proper.

Adjourned to 10 o Clock to Morrow.

#### SATURDAY, JANUARY 30, 1779

A letter, of 29th, from General Washington, was read, with an extract of a letter from Governor Clinton enclosed,<sup>2</sup> representing, "that after the loss of the forts in the Highlands, a part of the army was detached on the west side of the river, which, joined by a part of the militia, were under his command; that the river being the bounds between the different purchasing commissaries, none could be found to supply the troops; in consequence whereof he was reduced to the necessity of taking from the inhabitants the necessary supplies of flour and cattle, which were delivered to the issuing commissaries,

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 133.

<sup>2</sup>The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VII, folio 49; that of Clinton is on folio 53.

who passed their receipts to the owners; that similar measures were taken by the quarter masters to obtain forage; that different applications have been made to have these accounts settled and paid, but without effect:" Whereupon,

*Resolved*, That the quarter master and commissary general be authorized and directed to pay such of the said accounts as are certified by Governor G. Clinton.

A letter, of 29, from General Washington, was read, with a copy of a letter from Brigadier du Portail enclosed, relative to the fortifying the town and harbour of Boston:

*Ordered*, That it be referred to the Marine Committee.

Congress resumed the consideration of the letter from General Washington, read yesterday; Whereupon,

*Resolved*, That the Commander in Chief have leave to return to the army, agreeable to his request.

*Resolved*, That two members be added to the committee of conference for the purpose of consulting the General on the measures necessary to be taken for the defence of Georgia and South Carolina:

The members [chosen], Mr. [William Henry] Drayton, and Mr. [Richard] Hutson.

A letter, of 11, and one of 13, from Mr. J. Harvie, directed to the Board of War, with sundry papers enclosed, were laid before Congress, and read:

*Ordered*, That they be referred to the Board of War.

In consequence of an adjustment by the commissioners of claims, the auditor general reports:

That there is due to his excellency, Joseph Reed, Esq. for monies advanced by him, and the hon<sup>me</sup> John Jay Esq. to David Vleet, Abraham McKinny and Matthew Hunter, who were ordered to attend a committee of Congress at camp, in October last, on public business, one hundred and forty eight and 60/90 dollars.

That there is due to Edward Fox, his pay as clerk to the Board of Treasury, from 18 November last, to 25 instant, inclusive, two hundred and twenty six and 60/90 dollars.

That there is due to Daniel Burrell, for beef delivered to a detachment under the command of General Greene, when on a march, and in great want of provisions, in February, 1778, one hundred and forty six dollars and 60/90.

That there is due to Lieutenant Colonel William Davidson, of the 8d. North Carolina regiment, for extra services from the 23d. April, 1777, to 29 October, 1778, eight hundred and thirty five and 80/90 dollars.<sup>1</sup>

That there is due to the Rev. John Cordell, late chaplain to the 11 Virginia regiment, for a ballance of pay during his captivity, between the 11th September, 1777, and the 12 instant, when he was exchanged; and for one year's pay and mileage to Virginia, allowed him by resolve of Congress as a supernumerary discharged, nine hundred and thirty and 60/90 dollars.

That there is due to Captain John Stotesbury, of the 11th Pennsylvania regiment, a balance of pay and subsistence during his captivity from the 8th of April to the 31st of December, inclusive. And for extra services before he was taken prisoner, five hundred and one and 24/90 dollars.<sup>2</sup>

That there is due to John Pursell, late a private in the 11 Pennsylvania regiment, his pay during his captivity, from the 11 September, 1777, to the 26 August, 1778, seventy-six and 60/90 dollars.

That there is due to Major Thomas Hogg, of the 3d North Carolina regiment, for extra services in 1778, four hundred and thirty eight dollars.<sup>3</sup>

<sup>1</sup> Against this paragraph is written by Jay, "Postponed 30 January. 9 February, committed to Treasury."

<sup>2</sup> Against this paragraph Jay has written: "Postponed 30 January. Agreed 4 February."

<sup>3</sup> Against this paragraph Jay has written: "Postponed 30 January. 9 February, committed to Treasury."

That there is due to Colonel Thomas Proctor, for bounty and enlisting six men in his regiment of artillery, one hundred and fifty two dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

*Ordered*, That so much of the report as relates to Lieutenant Colonel William Davidson, Captain John Stotesbury and Thomas Hogg be postponed.

The Committee on the Treasury, to whom was re-committed their report of the 22d, brought in another report; Whereupon,

*Resolved*, That all accounts for back rations of the army to the last day of December, 1776, inclusive, be exhibited to the auditors of the army for settlement, by the 1st day of June next, or not afterwards allowed:

That such accounts due to any officers or soldiers in the regiments or corps now in service, be collected in the following form:

*Account of rations due to officers and soldiers of the      regiment or corps commanded by*

To whom due.	From what time.	To what time.	Days.	Number of rations.	Price of ra- tions.	Casualties.	Whole amount.
-----------------	--------------------	------------------	-------	-----------------------	------------------------	-------------	------------------

and that in the column of casualties the names of all absentees, except those on command or furlough, be inserted:

That the accounts formed into such abstracts be attested before the commanding officer of the brigade, and that warrants issue for the amount of them in favor of the pay masters of the respective regiments, and that they pay out the moneys received thereon.<sup>2</sup>

The Committee on the Treasury brought in another report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Thomas Burke and Whitmill Hill, Esquires,

<sup>1</sup>This report, dated January 26, is in the *Papers of the Continental Congress*, No. 136, III, folio 63.

<sup>2</sup>See note under January 27, p. 119, *ante*.

two of the delegates of the State of North Carolina, on their application for one thousand dollars, the State to be accountable.

That a warrant issue on the treasurer, in favour of the delegates of the State of North Carolina, for two thousand dollars, for discharging the pay rolls of sundry militia officers in camp, the expence of which is not to be charged to the Continent, but the said State to be accountable.

That on the application of the Board of War, a warrant issue in favour of Joseph Carleton, their paymaster, for one hundred and fifty thousand dollars, to be advanced by them, from time to time, to the commissary general of hides, the said paymaster to be accountable.

The committee farther report that they have considered the petition of Robert Hardie, of the 4 December last, referred to them, and are of opinion,

That the prayer of the petition ought not to be granted.<sup>1</sup>  
*Resolved*, That Congress agree to the said report.

The Committee on the Treasury brought in a farther report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster of the Board of War and Ordnance, for one million of dollars, of which five hundred thousand dollars are for the recruiting service, agreeably to a resolution of Congress, of 23 instant, and the residue for the payment and current expence of the army, to be by him transmitted to William Palfrey, Esq. paymaster general, who is to be furnished with a copy of this resolution, and to be accountable.

That a warrant issue on the treasurer, in favour of Charles Thomson, secretary, on his application, for five thousand dollars, to be charged to his account.

<sup>1</sup>This report, dated January 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 67.

February, 1779

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*Resolved*, That three commissioners be appointed to examine with the treasurer of loans, and destroy the bills of credit of these United States of the emissions of May 20, 1777, and April 11, 1778, under the direction of the Board of Treasury.

The Committee having considered the representation of Richard Sewell and Frederick Kuhl, Commissioners of the County of Philadelphia, together with their account for the use of the new Jail in this City from the 20<sup>th</sup> July, 1776, to 20<sup>th</sup> January, 1779, being two years and six months at £1800 currency per year, Report

That as the Jails in each State have been more or less appropriated to the use of the Continent since the War began, it will be improper to take up any partial demands, until a general Principle shall be adopted for regulating the same, and that an annual Rent £1800 per year for the use of the said jail, appears to your Committee very unreasonable, and more so, as the Enemy were in possession of the City nine months of the time mentioned in the said account.<sup>1</sup>

*Ordered*, That so much of the report as relates to the account of the commissioners of the county of Philadelphia, be re-committed.

Congress took into consideration the report of the committee on the letter from Mr. A. Clark, respecting the conduct of Brigadier Maxwell:

*Ordered*, That the farther consideration thereof be postponed to Monday.

*Ordered*, That the consideration of the report of the committee on General Washington's letter of 1st, and Major General Schuyler's letter of 3, be postponed to Monday.

MONDAY, FEBRUARY 1, 1779

A letter from Chevalier de Cambray, lieutenant colonel of engineers, was read; Whereupon,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 138, III, folio 71.

*Ordered*, That two thousand dollars be advanced on his application, to Lieutenant Colonel de Cambray; he to be accountable.

A letter, of 14 January, from Jeremiah Powell, Esq., in the name and behalf of the general assembly of Massachusetts bay, was read.<sup>1</sup>

The delegates of Rhode island &c. having, in pursuance of a vote of the general assembly of that State, represented to Congress the distress of the inhabitants thereof, for want of provisions, and moved a resolution recommending to the States of New York and Connecticut, a repeal of their acts, laying an embargo on provisions, so far as respects supplying the inhabitants of the said State with provisions by land:

*Ordered*, That the same, together with the letter from J. Powell, Esq. be referred to a committee of five:

The members chosen, Mr. [William] Ellery, Mr. [William] Paca, Mr. [Eliphalet] Dyer, Mr. [Henry] Laurens, and Mr. [William] Floyd.

A letter and memorial from James Budden, Thomas Irwin, T. Lawrence, and Matthew Irwine, were read, relative to the purchase of the frigate *Washington*, one of those built in this port and partly burnt by the enemy:<sup>2</sup>

*Ordered*, That they be referred to the Marine Committee.

A letter, of 30th January, from General Washington, was read, respecting the supplies of the troops on the western frontiers; Whereupon,<sup>3</sup>

*Resolved*, That the Commander in Chief give such directions as he may think proper for arranging the com-

<sup>1</sup> Cambray's letter is in the *Papers of the Continental Congress*, No. 78, V, folio 311; that of Powell is in No. 65, I, folio 368.

<sup>2</sup> This letter, dated January 31, is in the *Papers of the Continental Congress*, No. 41, I, folio 172.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 97.

missary's and quarter master's departments to the westward, any resolutions of Congress notwithstanding; and that for his information the secretary be directed to lay before him the several letters on that subject from Colonel G. Morgan to Congress; and that the Board of War communicate to him all necessary intelligence that may have come to them respecting the same subject.

A letter, of 29, from the president of Pennsylvania in council, with sundry papers enclosed, was read, representing, that Major M. Clarkson, aid de camp to Major General Arnold, had refused to obey the summons of the said president and the executive council of Pennsylvania, to attend the said council on a complaint against him for granting a recommendation to Miss Levy, to go into New York, contrary to a resolution of Congress of 21 August, 1778, and representing further, that the said refusal was conceived in very indecent and disrespectful terms:<sup>1</sup>

On motion that the same be committed, the yeas and nays being required by Mr. [Daniel] Roberdeau,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	no } no	Mr. Jay,	ay }
<i>Massachusetts Bay,</i>		Lewis,	ay } ay
Mr. Gerry,	ay }	Floyd,	no }
Lovell,	no }		
Holten,	no }		
<i>Rhode Island,</i>		<i>New Jersey,</i>	
Mr. Ellery,	ay }	Mr. Fell,	no }
Collins,	div.	Frelinghuysen,	no }
<i>Connecticut,</i>			
Mr. Dyer,	no }	<i>Pennsylvania,</i>	
Ellsworth,	no }	Mr. Roberdeau,	no }
Root,	no }	Clingan,	no }
		Searle,	no }
		Atlee,	no }
		Shippen,	no }

<sup>1</sup> Reed's letter is in the *Papers of the Continental Congress*, No. 19, I, folio 121. A number of papers relating to the case are in No. 69, I, folios 587 and following.

<i>Delaware,</i>		<i>North Carolina,</i>	
Mr. M'Kean,	no } no	Mr. Hill,	no } no
<i>Maryland,</i>		Burke,	
Mr. Paca,	no }	<i>South Carolina,</i>	
Carmichael.	ay } no	Mr. Laurens,	no }
Henry,	no }	Drayton,	no }
<i>Virginia,</i>		Hutson,	no }
Mr. T. Adams,	no }	<i>Georgia,</i>	
F. L. Lee,	no } no	Mr. Langworthy,	no } no
Griffin,	ay }		

*Ordered,* That Major M. Clarkson, aid de camp to Major General Arnold, do not leave this city till the further order of Congress.

Adjourned to 10 o'Clock to Morrow.

**TUESDAY, FEBRUARY 2, 1779**

The committee appointed to confer with the Commander in Chief respecting the aid necessary to be sent to South Carolina and Georgia, brought in a report; Whereupon,

*Resolved,* That Count Pulaski be ordered to march with his legion to South Carolina, and put himself under the command of Major General Lincoln, or the commanding officer of the southern department:

That the continental troops in North Carolina, said to be upon furlough, be immediately called in and ordered to march into South Carolina, and follow the orders of the commanding officer as aforesaid:

That the governments of Virginia and North Carolina be requested to afford all possible aid to South Carolina and Georgia, of men, arms, and other necessary articles, at the continental expence:

That orders be immediately issued for transporting to South Carolina, by the most safe and expeditious carriage, 128 barrels of gunpowder, and 12 chests of arms at

Edenton, and 125 chests of arms at Baltimore; all the property of the United States:

That Colonel de Cambray be ordered to repair to Baltimore and Edenton, and to expedite the transportation; that, for this purpose, he be furnished with proper letters from the president of Congress to the governors of Maryland and North Carolina:

That fixed ammunition of 4000 six pound, 4000 four pound, and 4000 grape iron shot, 30 barrels of musket powder, and 2000 lb. of ball or lead, be transported from Philadelphia to South Carolina by sea:

That the Marine Committee do provide and despatch a proper vessel, with the utmost expedition, on this service:

That the Commander in Chief be directed to order one or more engineers to repair immediately to South Carolina, for the service of the southern department, if he shall judge it necessary.<sup>1</sup>

A letter, of 1, from Major General Greene, quarter master general, was read:

*Ordered*, That it be referred to the committee appointed to superintend the departments of the quarter master and commissary general.

Your committee to whom was referred the letter of the Quarter Master General, 1<sup>st</sup> February, 1779, report:

That such articles as are taken for the use of the Army during marches, and encampments be paid for at the rate which such articles are really worth, at the time and place when taken. But that it would be improper to make allowance for wanton devastations which may be committed, it being impossible to ascertain any precise mode in which justice will be done to Individuals or to the public; besides, that in most cases remedy may be had against the Commanding Officer, whose duty it is to prevent such mischiefs.<sup>2</sup>

<sup>1</sup>This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 33, folio 283.

<sup>2</sup>This report, in the writing of William Whipple, is in the *Papers of the Continental Congress*, No. 22, folio 147.

A letter, of 15 January, from Major General Gates, was read.<sup>1</sup>

A letter, of 30 January, from the Board of War, was read, representing that the firm of the house in which Mr. Penet is engaged, is Messrs. Penet, Windel & Co. and that Mr. Couloux's name is not to appear in the agreement; Whereupon,

*Resolved*, That, instead of Messrs. Penet & Couloux, mentioned in the resolution of the 2 January, the Board of War be authorized to contract with Mr. Peter Penet, for himself, Windel & Co. for a suitable number of muskets, with bayonets of a proper size, and other arms, to be manufactured in these states, agreeably to the proposals recited, previous to the resolution above mentioned.<sup>2</sup>

A letter, of 19 December last, from Jos. Clay, Esq. deputy paymaster general in Georgia, was read, with sundry papers enclosed:

*Ordered*, That the same be referred to the Board of Treasury.

A report being received from the committee, to whom was referred the report of the Committee on Appeals, of January 19, 1779:

The sense of the House was required, whether it be in order that reports, when received, be read: on the question, resolved in the affirmative.

The report was then read:

The Committee, to whom was referred the report of the Committee of Appeals, of January 19th, 1779, beg leave to report:

*Feb. 14th, Agreed.* That Congress is by these United States Invested with the supreme Sovereign Power of War and Peace.

That the power of Judging, executing the Law of Nations is Essential. Agreed. to the Sovereign Supreme power of War and Peace.

<sup>1</sup>The letter of Greene is in the *Papers of the Continental Congress*, No. 155, I, folio 83; that of Gates, in No. 154, II, folio 45.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 21.

That all Questions relative to captures on the high Seas are to be  
~~Amended.~~ decided by the Law of Nations.

That all Jurisdiction for deciding on matters according that are the  
~~Amended.~~ Subject of the Law of Nations must Originate from the  
Sovereign Supreme power of War and Peace.

That the Jurisdictions for deciding all Causes relative to Captures  
on the high Seas which exist in the several States Originate from the  
Resolution of Congress passed the twenty fifth of Novem-  
~~Amended.~~ ber, in the year one thousand seven hundred and seventy-  
five, Section the Fourth, which directs that Trials in the  
said several Jurisdictions should be by Jury; but the said section  
extends the trial by Jury no further than the Jurisdiction of the par-  
ticular State.

That by the Sixth Section of the same resolution the Congress assert  
~~Rejected.~~ the Supreme Control by Appeal over the several Juris-  
dictions for deciding on captures made on the high Seas.

That this Control is Necessary in order to compel a Just and uni-  
form Execution of the Law of Nations, and being Essential to the  
Supreme Sovereign power of War and Peace, the Con-  
~~Agreed.~~ gress could not divest themselves of it. That this Con-  
trol extends as well over the decisions of Juries as Judges;  
otherwise, the Juries would be possessed of the ultimate supreme  
power of executing the law of Nations in all cases of Captures, and  
might at any time exercise the same by a general Verdict

~~Agreed.~~ without a possibility of being Controlled; a Construction  
which Involves many Inconveniences, and absurdities,  
which destroys an Essential part of the Power of War and Peace; and  
would disable the Congress from giving Satisfaction to foreign Nations  
complaining of a Violation of Neutralities, of Treaties, or other  
breaches of the Law of Nations, and would, therefore, enable a Jury  
in any one State, to involve the United States in War Hostilities; a  
Construction which for these and many other obvious reasons, is  
inadmissible.

Your Committee further report:

That this power of Controlling by appeal the Several Admiralty  
~~Agreed.~~ Jurisdictions of the States has hitherto been exercised by  
the Congress through the Medium of a Committee of  
their own Members; and the Committee, before whom an Appeal from  
~~Agreed.~~ the Court of Admiralty for the State of Pennsylvania was  
determined, was duly constituted and authorised to de-  
termine the same.

That the said Committee had Competent Jurisdiction to make thereon a final decree and therefore their decree ought to be carried into Execution.

That the Judge of the Court of Admiralty for the State of Pennsylvania alleges as his reason for refusing to carry into Execution the Decree of the Committee of Appeals in the Case of the Sloop *Active*, that an Act of the Legislature of the said State has declared that the finding of a Jury shall Establish the Facts in all Trials in the Courts of Admiralty *without reexamination or Appeal*, and that an Appeal is permitted only from the Decree of the Judge.

Your Committee report that they find the following Words in the sixth Section of the printed Act of the said Legislature, entitled "An Act for Establishing a Court of Admiralty, passed at a Session which commenced on the fourth of August, 1778.

Agreed.

The finding of the Jury shall establish the facts without reexamination or Appeal"; and in the seventh Section of the same Act

the following words: "In all cases of Captures, an appeal from the Decree of the Judge of Admiralty of this State shall be allowed to the Continental Congress, or such person or persons as they may from time to time appoint for hearing and trying Appeals."

Your Committee are of Opinion that the Legislature, if their Sense be agreeable to the Construction made by the Judge in this Instance,

have mistaken or overlooked the principles above Suggested.

Rejected. on which an Appeal to the Supreme Executive

power of the Law of Nations in all Questions relating to War and peace is founded; and cannot presume that that grave Body intended to Contravene the Exercise of that Necessary power by the Congress, in whom the several States have united that part of their respective Sovereignties. Nor can your Committee think that any one State, consistent with the union, has power to Contravene them therein, the same being an Infringement of that Sovereignty which the whole have Committed to Congress for purposes of common utility, and therefore, that the said act of the Legislature, so far as it has overlooked or contravened the said principles, ought to be deemed void.

Your Committee further report, that the Jury in the case of the Sloop *Active* found a Verdict in the following words vizt: "One

Rejected. fourth of the Neat proceeds of the Sloop *Active* and her

Cargo, to the first Claimants; three fourths of the Neat

proceeds of the said Sloop and her Cargo to the Libellant, and the second Claimant as per agreement between them." In

which they have not exercised the Jurisdiction proper to them, but have exercised the Jurisdiction proper to the Judge, and having found no facts, cannot in the Opinion of your Committee conclude him even by the Law of the State, should his own Construction thereon be admitted.

Upon the whole, your Committee are of Opinion that Congress or such person or persons as they appoint to hear and determine Appeals from the Courts of Admiralty have necessarily the power Agreed. to examine, as well into decisions on facts as decisions on the Law, and to decree finally thereon; and cannot be divested thereof by the Act of any particular State.

That the Decree made by the Committee of Appeals in the Case of the Sloop *Active* was made by a competent Jurisdiction, Agreed. and ought to be carried into Execution.

Your Committee therefore recommend that the Committee of Appeals be directed to order the monies arising from the sale of the Sloop *Active*, her Tackle, apparel and furniture and her Rejected. Cargo (which appear by the record annexed to their report to have been paid into the Hands of the Judge of the Court of Admiralty by the Marshal) to be paid to the persons who are entitled to receive the same under the decree made on the said Appeal by the said Committee.

Your Committee beg leave to suggest that in the prosecution of the Enquiries referred to them they have discovered some Rejected. Imperfections in the present System of Marine Judicatures, and to recommend to the Congress that the same be revised.<sup>1</sup>

Ordered, That the consideration thereof be postponed to Thursday next, and that Congress then be resolved into a Committee of the Whole, to consider the same.

The committee, to whom were referred two letters from Juan Garcia Duarti, with sundry papers from Samuel P. Savage, brought in a report, which was read.

[Adjourned to 10 o'Clock to Morrow]

<sup>1</sup>This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 29, folio 357. The report, as adopted, is printed under March 6, 1779, post.

WEDNESDAY, FEBRUARY 3, 1779

A memorial, from Brigadier Count Pulaski, was read:  
*Ordered*, That it be referred to the Board of Treasury.

A memorial from James Mather, was read:

*Ordered*, That it be referred to the committee appointed to superintend the commissary and quarter master's department.

A letter, of 1, from Mons. Mauleon, was read.<sup>1</sup>

A memorial, of this date, from the hon<sup>ble</sup> Sr. Gérard, minister plenipotentiary of France, was read, respecting the quantity of flour he can depend upon for the fleet of his most Christian Majesty in the West Indies; Whereupon, it was moved,

That the Committee of Conference with the Minister of France, be instructed to represent the evils arising from the high rate of exchange, and confer with him on the means of preventing them.

On the question to agree to this, the yeas and nays being required by Mr. [Henry] Laurens:

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple, Frost,	no ay } div.	Mr. Jay, Duane,	ay } ay
<i>Massachusetts Bay,</i>		Lewis, Floyd,	ay }
Mr. Gerry, Lovell, Holten,	no no ay } no	<i>New Jersey,</i> Mr. Fell, Frelinghuysen,	ay } ay
<i>Rhode Island,</i>			
Mr. Ellery, Collins,	ay ay } ay		
<i>Connecticut,</i>			
Mr. Dyer, Ellsworth, Root,	ay ay ay } ay		

<sup>1</sup>Mather's memorial, dated February 1, is in the *Papers of the Continental Congress*, No. 41, VI, folio 109; the letter of Mauleon is in No. 78, XV, folio 433.

<i>Pennsylvania,</i>		<i>Virginia,</i>	
Mr. Roberdeau,	ay	Mr. T. Adams,	no
Clingan,	no	F. L. Lee,	ay
Shippen,	ay	Griffin,	no
Atlee,	ay	<i>North Carolina,</i>	
Searle,	ay	Mr. Penn,	no
<i>Delaware,</i>		Hill,	no
Mr. McKean,	no } no	Burke,	no
<i>Maryland,</i>		<i>South Carolina,</i>	
Mr. Paca,	ay	Mr. Laurens,	no
Carmichael,	ay	Drayton,	no
Henry,	ay	Hutson,	no

So it was resolved in the affirmative.

The Committee on the Treasury brought in a report;  
Whereupon,

*Resolved*, That 5,000,160 dollars in bills of credit, be emitted under the direction of the Board of Treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 14th December last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

22,728 bills of 60 dollars each,	1,363,680
22,728 do. 50	1,136,400
22,728 do. 40	909,120
22,728 do. 30	681,840
22,728 do. 20	454,560
22,728 do. 8	181,824
22,728 do. 7	159,096
22,728 do. 5	118,640
<hr/>	
	5,000,160

*Ordered*, That a warrant issue on the treasurer, in favour of the Committee of Commerce, for one hundred and three thousand two hundred dollars, for the payment of

a debt due to Mr. Samuel Curson, continental agent at St. Eustatia; the said committee to be accountable.<sup>1</sup>

That a warrant issue on the treasurer, in favour of the Marine Committee, on their application, for twenty thousand dollars, for the use of the navy board of the middle district; the said Marine Committee to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for seventy thousand dollars, to enable the Board to exchange bills of the emissions of May 20, 1777, and April 11, 1778, agreeably to a resolve of Congress; the said paymaster to be accountable.

The Committee of the Treasury to whom was recommitted their report of January 30<sup>th</sup>, relative to the new jail in this city, having

*Postponed.* reconsidered the said report, beg leave again to submit it without alteration to Congress, together with a copy of the supposed contract upon which the order for recommitment was Grounded.<sup>2</sup>

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one hundred thousand dollars, advanced upon the personal application of the said Board, for the purchase of military stores, for which the said paymaster is to be accountable.<sup>3</sup>

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one million of dollars, to be by him transmitted to John Lewis Gervais, deputy paymaster general, in South Carolina for the use of his department, for which he is to be accountable.

That a warrant issue on the treasurer, in favour of the hon<sup>ble</sup> William Henry Drayton, Esq. a delegate from South

<sup>1</sup>This report, dated January 29, is in the *Papers of the Continental Congress*, No. 136, III, folio 69.

<sup>2</sup>This report, dated February 1, is in the *Papers of the Continental Congress*, No. 26, folio 51.

<sup>3</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 78.

Carolina, for fifteen hundred dollars, advanced him upon his application, and to be charged to the said State.<sup>1</sup>

The commissioners of claims at the treasury report:

That there is due to Captain William Peery's independent company of the Delaware State, for pay and rations, or subsistence, and contingencies, from 1 August, 1777, to 31 December, 1778, a ballance of four thousand three hundred and forty five and 55/90 dollars, to be paid to Captain William Peery.

That there is due to Nathan Sellers, for laying 192 letters on the new paper mould for bills of credit, one hundred and ninety two dollars:<sup>2</sup>

*Ordered*, That the said accounts be paid.

Congress was resolved into a Committee of the Whole, to consider a report of the Board of Treasury of 23 January; and, after some time spent thereon, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee had come to a resolution thereon, which he was ready to report:

*Ordered*, That the same be received.

The report was read, and is as follows:

*Resolved*, That 20,000,000 of dollars be borrowed on the faith of the United States, at an annual interest of six per cent. and that loan office certificates for the same, of such denominations as the Board of Treasury shall think proper, be forthwith struck and sent to the continental loan offices, under the direction of the Board of Treasury:

Provided that the said bills shall not be payable to the Bearers thereof, unless the said Bearers have due authority from or under the Person to whom the said Bills respectively shall be made payable to receive the amount thereof.<sup>3</sup>

<sup>1</sup>This report, dated February 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 77.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 88.

<sup>3</sup>This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 136, III, folio 57.

a debt due to Mr. Samuel Curson, continental agent at St. Eustatia; the said committee to be accountable.<sup>1</sup>

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<sup>2</sup>This report, dated February 1, is in the *Papers of the Continental Congress*, No. 23, folio 51.

<sup>3</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 79.

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*Ordered*, That the said accounts be paid.

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*Ordered*, That the same be received.

The report was read, and is as follows:

*Resolved*, That 20,000,000 of dollars be borrowed on the faith of the United States, at an annual interest of six per cent. and that loan office certificates for the same, of such denominations as the Board of Treasury shall think proper, be forthwith struck and sent to the continental loan offices, under the direction of the Board of Treasury:

Provided that the said bills shall not be payable to the Bearers thereof, unless the said Bearers have due authority from or under the Person to whom the said Bills respectively shall be made payable to receive the amount thereof.<sup>3</sup>

<sup>1</sup>This report, dated February 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 77.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 83.

<sup>3</sup>This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 136, III, folio 57.

On the question to agree to the said report, the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>
Mr. Whipple,	ay } ay	Mr. Roberdeau,
<i>Massachusetts Bay,</i>		Clingan,
Mr. Gerry,	ay }	Shippen,
Lovell,	ay } ay	Atlee,
Holten,	ay }	Searle,
<i>Rhode Island,</i>		<i>Delaware,</i>
Mr. Ellery,	ay }	Mr. McKean,
Collins,	ay }	<i>Virginia,</i>
<i>Connecticut,</i>		Mr. T. Adams,
Mr. Dyer,	ay }	F. L. Lee,
Ellsworth,	ay }	Griffin,
Root,	ay }	<i>North Carolina,</i>
<i>New York,</i>		Mr. Penn,
Mr. Jay,	ay }	Burke,
Duane,	ay }	<i>South Carolina,</i>
Lewis,	ay }	Mr. Drayton,
Floyd,	ay }	Hutson,
<i>New Jersey,</i>		
Mr. Fell,	ay }	
Frelinghuysen,	ay }	

So it was resolved in the affirmative.

*Resolved*, That to morrow be assigned for taking into consideration the report of the committee appointed to confer with the Commander in Chief on the operations of the ensuing campaign.

*Resolved*, That a member be added to the committee appointed to confer with the Minister Plenipotentiary of France:

The member chosen, Mr. [Richard] Hutson.

Adjourned to 10 o'Clock to Morrow.

**THURSDAY, FEBRUARY 4, 1779**

A letter, of 3, from Jos. Watkins, commissary of ordnance and military stores, was read, desiring leave to resign; also a letter, of the same day, from Mr. Girard, lieutenant in Count Pulaski's corps, was read:

*Ordered*, That they be referred to the Board of War.

A letter, of 3, from Colonel Armand, was read; whereupon, the committee appointed to confer with the Commander in Chief brought in a report, which was read:<sup>1</sup> and, thereupon,

*Resolved*, That the Commander in Chief be directed to give the necessary orders for recruiting the corps commanded by General Count Pulaski and Colonel Armand respectively, to their full complement of infantry, to be enlisted for the war, and to receive the continental bounties granted to the rest of the infantry.

*Resolved*, That the Commander in Chief be directed to proceed in such manner as he shall judge expedient, to compleat the arrangement of the army, and to settle the relative rank of officers under the degree of brigadier, agreeably to the principles established by an act of Congress on the 24th day of November, 1778; and that the Board of War furnish him with copies of the proceedings of the late committee of arrangement.<sup>2</sup>

A letter, of 22 December, 1778, from Marquis de la Fayette, at Boston, in favour of Mons. de Noirmont de la Neuville, and also a petition from Major Noirmont de la Neuville, praying to be favoured with the brevet commission of lieutenant colonel, were read:<sup>3</sup>

<sup>1</sup>The Watkins letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 5; that of Girard in No. 78, X, folio 187; that of Armand in No. 164, folio 392.

<sup>2</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 38, folio 281.

<sup>3</sup>The letter of Lafayette is in the *Papers of the Continental Congress*, No. 42, IV, folio 172.

On the question, *Resolved*, That the rank prayed for by Major Noirmont be not granted.

Congress took into consideration the letter of the 3, from Colonel Armand, soliciting the rank of brigadier general by brevet:

On the question put, *Resolved*, That the rank solicited for by Colonel Armand be not granted.

A petition of James Rogers was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

A petition from Captain Peery was read:

*Ordered*, That it be referred to the Board of Treasury.

The Board of Treasury to whom was referred the letter of Count Pulaski, relative to the pay of his legion, report, that the sum of fifty thousand dollars, which the Board recommended to be paid to the Board of War, on 2 [20] January, was intended for the payment of the Count's legion; whereupon, Congress resumed the consideration of the said report, and thereupon,

*Ordered*, That, agreeable to an application of the Board of War and Ordnance, a warrant issue in favour of their paymaster, Joseph Carleton, on the treasurer, for fifty thousand dollars; the said paymaster to be accountable.<sup>2</sup>

An invoice of goods shipped by Messrs. Gardoqui & Sons, of Bilboa, on board the *Hawke*, Captain Brazilla Smith, for Boston, and directed to the hon<sup>ble</sup> E. Gerry, Esq. on account of Congress, was laid before the House, and read:

*Ordered*, That it be referred to the Committee of Commerce.

*Ordered*, That Mr. [Henry] Laurens have leave of absence.

A petition of Henry Sheetz and others, and

<sup>1</sup>This petition, dated the 2d, is in the *Papers of the Continental Congress*, No. 42, VI, folio 427.

<sup>2</sup>This resolution was based upon a letter from William Govett, dated February 4, in the *Papers of the Continental Congress*, No. 138, III, folio 86.

A petition from Bernard Gatz; [Gratz; and]

A petition from Thomas Levis; were read:<sup>1</sup>

*Ordered*, That they be referred to the committee appointed to superintend the commissary and quarter master general's department.

Congress resumed the consideration of the report of the commissioners of claims, of 26 January, wherein they report:

That there is due to Captain John Stotesbury, of the 11 Pennsylvania regiment, a ballance of pay and subsistence, during his captivity, from the 8 April to 31 December, 1778, inclusive; and for extra services before he was taken prisoner, five hundred and one dollars and 24/90ths:

*Ordered*, That the said accounts be paid.

A petition and representation of Martin Pendergast was read:<sup>2</sup>

*Ordered*, To lie on the table.

A motion being made, respecting petitions offered by persons, requesting rank and promotion in the army of the United States:

Whereas Congress have experienced great inconvenience from giving rank in the army of the United States upon applications made to them in the first instance, and also great loss of time and injurious delay to important affairs from the very great number of petitions offered to them by persons requesting the said rank:

*Resolved*, that for the future no rank be given to any person who shall not have first applied to the Board of War, and obtained from them a letter of recommendation approving his pretensions, and certifying that the same may be complied with without inconvenience or derangement to the army. And that no petition or memorial requesting rank or office in the Army shall hereafter be read, unless the same shall be accompanied with such letter from the Board of War.<sup>3</sup>

<sup>1</sup>Sheetz's petition is in the *Papers of the Continental Congress*, No. 41, IX, folio 62; that of Levis is in No. 42, IV, folio 180.

<sup>2</sup>This petition, dated January 25, is in the *Papers of the Continental Congress*, No. 42, VI, folio 200.

<sup>3</sup>This motion, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 36, I, folio 15.

*Ordered*, That it be referred to the Board of War.

The committee appointed to confer with the Commander in Chief, brought in a report, which was taken into consideration, and after debate,

Feby 2<sup>d</sup> 1779, The Committee appointed to confer with the Commander in Chief beg leave to report the following resolution.

Whereas, it is under divine Providence essential to the publick Safety that foreign Supplies of Cloathing, Artillery, Arms and military Stores, should from time to time be provided, and seasonably imported for carrying on the present just and necessary War with Vigour and Effect; And the mode of procuring those Supplies in a course of Trade which has hitherto prevailed being precarious and subject to Loss and Disappointment:

*Resolved*, That the Minister Plenipotentiary of these United States at the Court of his Most Christian Majesty be instructed and authorized to enter into a Negotiation with the said Court, for obtaining a Loan or credit for the purposes following:

1<sup>st</sup>. For discharging the debt due to Mons<sup>r</sup> Beaumarchée from these United States, for the supplies already received from him, and the further Advances and Engagements he may have made in behalf of these States, agreeably to a contract between the Commercial Committee of Congress and Mons<sup>r</sup> François [Francy], Agent of the said Mons. Beaumarchée dated the      day of      last; And,

2<sup>nd</sup>y. For procuring further Supplies for the Years 1780 and 1781, to the amount of three hundred thousand pounds sterling annually, in such articles as shall be required and specified by the Board of War or Commercial Committee.

And Congress do hereby solemnly pledge the publick Faith of these United States for the Payment of all such Monies as shall be advanced by, or obtained on the Credit or Security of his said Most Christian Majesty, his Ministers or Agents, in pursuance of such Negotiation and Contract, with such Interest, not to exceed six per cent, and at such periods, to commence after the present War, as shall be agreed upon by the said Minister Plenipotentiary of these United States.

Whereas, Congress by an Act passed this day have instructed and authorized their Minister Plenipotentiary at the Court of Versailles, to enter into a Negotiation with the said Court for obtaining a governmental Loan or Credit for the Purposes and on the Security

mentioned in the said Act, And good policy requiring that every practicable expedient should be adopted to secure a regular and competent Supply of Cloathing, Arms and military Stores for the use of these United States;

*Resolved*, therefore that if from any unforeseen Impediment the before mentioned Negotiation should not take effect, that in such case the said Minister Plenipotentiary be, and he hereby is, further instructed and authorized to use his utmost Endeavours to contract with any Company or Individuals for the Supplies mentioned in the said Act, and on the Terms therein specified, always giving a Preference to Monsieur Beaumarchée, of whose Zeal and spirited Efforts for the Service of these United States Congress entertain a high Sense. And if such private Contract shall take place, Congress do hereby solemnly pledge the Faith of these United States to the Party contracting to furnish such Supplies, for Payment and full Compensation, with such Interest, not to exceed six per cent; and at such Periods, to commence after the present War, as shall be agreed upon by the said Minister Plenipotentiary. And if it shall be found absolutely necessary to pay the Interest annually as it becomes due, the said Minister shall be at Liberty to insert a Clause in the Contract for that Purpose, And Congress will take the most effectual Measures in their Power, by Remittances or otherwise, to discharge such Interest accordingly.<sup>1</sup>

*Ordered*, That the farther consideration thereof be postponed.

*Ordered*, That to morrow be assigned for taking into consideration the reports of the committee appointed to confer with the Commander in Chief.

A letter, of 20th December, 1778, and continued to 6 January, 1779, from Mr. W. Bingham, at Martinique, was read.

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 33, folio 287. See under May 11 and May 28, 1779, post.

FRIDAY, FEBRUARY 5, 1779

A letter, of 4, from Brigadier Count Pulaski, was read:  
*Ordered*, That it be referred to the Board of War.

A letter, from Colonel Armand was read, begging leave to return to France; Whereupon,

*Resolved*, That Congress have a high sense of the disinterested zeal and service of Colonel Armand, Marquis de Rouerie, but are restrained from manifesting their good opinion of him by further promotion, as the same would be incompatible with the arrangement of the American army; and that on his own request he have leave to return to France: that upon his departure the President grant him such certificate, as the recommendations or certificates he may have received from the Commander in Chief or other general officers under whom he hath served, may entitle him to.

A letter; of January 1st, from the Marquis de la Fayette, was read, recommending Mr. Houden, a French officer, who is second lieutenant in Colonel Bigelow's regiment;<sup>1</sup> Whereupon,

*Resolved*, That Mr. Houden be informed that he will receive promotion according to the rules established in the army of the United States.

A letter, of 9 January, from the Marquis de La Fayette, was read:

*Ordered*, That it be referred to a committee of three; and that they be directed to transmit with utmost expedition, the dispatches intended for the Marquis, but which did not reach him before he sailed, and also duplicates and triplicates thereof speed, four copies of the dispatches therein mentioned by different opportunities:

<sup>1</sup>Pulaski's letter is in the *Papers of the Continental Congress*, No. 164, folio 84; that of Armand, in No. 164, folio 396; that of Lafayette, in No. 156, folio 85.

The members chosen, Mr. [William] Whipple, Mr. [James] Lovell, and Mr. [John] Collins.

A letter and memorial from Baron Thulier, were read, soliciting a farther grant to enable him on his arrival at Nantes, to proceed from thence to Court, and from thence to join his regiment.<sup>1</sup>

On motion, *Resolved*, That the request of Baron Thulier be not granted.

A letter, of January 2, from Governor Houstoun, of Georgia, and one, of 15 January, from R. Lowndes, president of South Carolina, were read.<sup>2</sup>

Congress resumed the consideration of the report of the committee on information given by the President; Whereupon,

*Resolved*, That Congress, by requesting aid of the Count d'Estaing, have it in view only to destroy the ships of war, and expel, or subdue the land forces of the common enemy, invading the southern states.

*Resolved*, That a committee of two be appointed, who, together with the President, shall confer with the Minister Plenipotentiary of France, and prepare proper dispatches and instructions, to be sent by the Marquis de Brétigny to the Count d'Estaing:

The members chosen, Mr. G[ouverneur] Morris and Mr. [Henry] Laurens.

*Ordered*, That the committee apply to the Count d'Estaing for such supply of arms and ammunition, as he can spare, to be sent in such way, as he shall judge most safe to Charlestown in South Carolina, for the use of the United States.

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 41, X, folio 67; the memorial is in No. 78, XXII, folio 613.

<sup>2</sup>Houstoun's letter is in the *Papers of the Continental Congress*, No. 73, folio 286; that of Lowndes, in No. 72, folio 477.

SATURDAY, FEBRUARY 6, 1779

An appeal from the judgment of a court of admiralty, for the State of North Carolina, on the libel, William Gibbs, Daniel Bates and others, *vs.* sloop *Conquerant*; and

An appeal from the judgment of the said court, on a libel, John Davis *vs.* schooner *Polly*, were lodged with the Secretary, and referred to the Committee on Appeals.

A letter, of 5 December, 1778, with a copy of the dispatches received and read on the 3d instant, from W. Bingham, at Martinique, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Oliver] Ellsworth, Mr. M[eriwether] Smith.

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 8, 1779

A letter, of 4, from C. Rodney, president of the State of Delaware, was read, informing that the legislature of that State have passed a law empowering their delegates to ratify the Confederation, in behalf of that State.

A letter, of 3, from Major General Greene, quarter master general; and one, of same date, from Jer. Wadsworth, commissary general of purchases, were read.<sup>1</sup>

A letter, of 7, from F. Wade, was read:

*Ordered*, That it be referred to the committee, appointed to superintend the commissary and quartermasters department, and that the committee transmit a copy thereof to the executive power of the State of Delaware.

<sup>1</sup> Rodney's letter is in the *Papers of the Continental Congress*, No. 70, folio 695; that of Greene in No. 155, 1, folio 87; that of Wadsworth in No. 78, XXIV, folio 1.

A letter, of the 26 January, from Major General Schuyler, and one of the 27, the latter enclosing a copy of a letter from J. Deane, were read:<sup>1</sup>

*Ordered*, That a copy of the letter of the 27, and paper enclosed, be sent to General Washington.

A letter and memorial from Richard Varick, deputy commissary general of musters, in the northern department, were read:<sup>2</sup>

*Ordered*, That they be referred to the Board of War.

A memorial from Elihu Trowbridge was read:<sup>3</sup>

*Ordered*, That it be referred to the Marine Committee.

A memorial from W. Shippen, director general, in behalf of himself and the medical officers of the general hospital in the middle, eastern and northern districts, was read:

*Ordered*, That it be referred to the Medical Committee.

*Ordered*, That the commissary general of military stores do ship for South Carolina, 2000 round shot three pounders, 408 do. fixed, 580 grape do. and 474 case do.

The committee to whom was referred the representation of the delegates of Rhode Island, brought in a report; Whereupon, Congress came to the following resolution:

*Resolved*, that it be recommended to the States of Maryland, Virginia and North Carolina, to permit such vessels from the States of Massachusetts Bay and Rhode Island and Providence Plantations to load with bread and flour for the said States, as shall produce authenticated vouchers from the executive bodies of said States, that such vessels have been authorized to import such bread and flour for the said States and have given bond and security for the execution of said trust. And that vessels belonging to the States of Maryland, Virginia and North Carolina be permitted to export bread and flour to the

<sup>1</sup> Schuyler's letters are in the *Papers of the Continental Congress*, No. 153, III, folios 412 and 416; that of Deane is on folio 420.

<sup>2</sup> This letter, dated January 28, is in the *Papers of the Continental Congress*, No. 7, XXIII, folio 157.

<sup>3</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, X, folio 57.

States of Massachusetts Bay and Rhode Island and Providence Plantations, upon their giving bond and security to the executive bodies of the States of Maryland, Virginia and North Carolina to produce certificates from the executive Power of the State where the same shall be delivered, that the same was there unladed.<sup>1</sup>

Whereas the delegates of the State of Rhode Island and Providence Plantations, in pursuance of an express vote of the general assembly of the said State, have represented to Congress that many of its inhabitants, especially those who have come off from the island of Rhode Island, must inevitably perish unless they are speedily supplied with the necessaries of life, and have in the strongest terms requested us to recommend to the states of Connecticut and New York, to repeal their acts laying an embargo on provisions, so far as respects supplying the said inhabitants with provisions by land:

*Resolved*, That the President write to the governors of the states of Connecticut and New York, requesting them to afford such supplies of flour and other provisions for the distressed inhabitants of the State of Rhode Island and Providence Plantations as their necessities call for, so far as circumstances will admit, and under such regulations as may best answer the end proposed.

The committee, to whom was referred the letter from J. Powell, president of the Council of Massachusetts Bay, brought in a report, which was read:

*Ordered*, That it be re-committed.

An appeal from the judgment of a court of admiralty, for the State of Pennsylvania, on the libel Francis Gurney *v.* Tam Ploy, was lodged with the Secretary, and referred to the Committee on Appeals.

The committee appointed to confer with the Minister of France, on the subject of an act of Congress, of the

<sup>1</sup>This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 20, I, folio 47. It is endorsed "Recommitted."

~~28-day January~~ last 5th instant, declaring their intention in requesting aid from Count d'Estaing, made report of their proceedings; Whereupon,

*Resolved*, That it will not be expedient to make the proposed application for aid to Count d'Estaing, and that the several acts of Congress on that subject be, and they are hereby repealed.

*Ordered*, That the President inform the hon<sup>ble</sup> Sr. Gérard, minister plenipotentiary of France, of the above resolution.

The committee, to whom was referred the letter from W. Bingham, brought in a report; whereupon, Congress came to the following resolution:

Your Committee to whom were referred the Report of the Committee to confer with Monsr. Gérard, and the Letters from Mr. Bingham, of the 5th, 20th, 25th and 31st. December and 6th of January last, beg leave to report the following Resolutions:

Whereas it is highly probable that the ships and troops of his most Christian Majesty in the West Indies are employed in matters highly interesting to the said King, *Resolved*, That no aid whatever be requested from the Count d'Estaing for the succor of the southern states.

Whereas the General of Martineco hath made application through the continental Agent there to Congress, stating the extreme necessity of the islands for provisions, and whereas, it is utterly impracticable to furnish the necessary supplies unless from the State of South Carolina or Georgia and requesting that supplies may be exported from these United States,

*Resolved*, That a committee of three be appointed to prepare a letter, to be signed by the President, to Mr. Bingham, informing him [that the States of New Hampshire, Massachusetts bay, Rhode island, and Connecticut, have not a sufficiency of flour for their own consumption; that the military operations of which New York, New

Jersey, Pennsylvania and Delaware have been the scene, have so reduced their resources of bread, as not to admit of further supplies than may be necessary for the Army; that the wheat in Maryland, Virginia and North Carolina has been so injured by a fly which infests those States as not to afford the succours in question; that South Carolina and Georgia abound in rice, and great quantities of that article and some others of provisions may be had there, but that]<sup>1</sup> the navigation by the late efforts of the enemy hath become very insecure, and ~~many Vessels the Property of French Subjects are thereby exposed to~~ the vessels which may be sent there will be exposed to great hazard, unless accompanied by a strong convoy, or the marine force of the enemy in those States destroyed:

*Resolved*, That a state of the circumstances and resources of the several states be forthwith transmitted to the said Agent, and also to his Excellency the Count d'Estaing, to the end that proper measures may be taken to obtain the said Supplies.

*Resolved*, That the President be directed forthwith to prepare the necessary Dispatches, and triplicates thereof be transmitted by the committee of foreign correspondence, that the Marquis de Britigny be requested to take charge of the said letters to the Count d'Estaing, and that the President prepare Instructions for him.

*Resolved*, That copies of the foregoing Resolutions, and also of that part of the Agent's Letters which relates to Provisions, Together with Copies of the Dispatches and Instructions in the Postponed foregoing Resolution mentioned, be delivered the Hon<sup>ble</sup>. the Sieur Gérard, Minister Plenipotentiary of his most Christian Majesty.<sup>2</sup>

<sup>1</sup> The part in brackets was an amendment in the writing of Meriwether Smith, on folio 331.

<sup>2</sup> This report, in the writing of Gouverneur Morris, with amendments by Meriwether Smith, is in the *Papers of the Continental Congress*, No. 19, I, folio 325. On folio 327 is a motion, in the writing of William Ellery, as follows:

"Whereas the General of Martinico hath made application to Congress thro' the Continental Agent there respecting a supply of provisions for the French Islands in the West Indies,

*Resolved*, That a Committee be appointed to prepare a letter to be signed by the President, informing the Continental Agent of the general State of provisions in the

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The members chosen, Mr. [Meriwether] Smith, Mr. [Gouverneur] Morris, and Mr. [Oliver] Ellsworth.<sup>1</sup>

*Ordered*, That the remainder of the report be postponed.

Adjourned to 10 o'Clock to Morrow.

**TUESDAY, FEBRUARY 9. 1779**

A letter, of 28 January, from P. Henry, governor of Virginia, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. [Eliphalet] Dyer, Mr. [Samuel John] Atlee.

A letter, of 1, from P. Jackson, of Alexandria, was read:

*Ordered*, That it be referred to the delegates of Maryland and Virginia.

A letter, of 6, from J. Clark and James Johnson, auditors, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 8, from B. Flower, commissary general of military stores, was read.<sup>3</sup>

several States, of the french trade now in the harbour of Charlestown in South Carolina, and of the force of the enemy in the States of South Carolina and Georgia both by sea and land."

On folio 329 is a resolution, in the writing of Oliver Ellsworth, as follows:

"Resolved, that Information be given to the Count D'Estaing of the force and situation of the enemy's squadron in the river Savannah, and of the exposed situation of vessels belonging to Subjects of his Most Christian Majesty in the port of Charlestown, and that the President be requested to inform the Minister of France that Congress have tho't it their duty, as good and faithful Allies to transmit the said information, that the Count D'Estaing may take such measures thereon as may consist with his plan of operation, and the interest and views of his Royal Master; and they are further induced hereto from a consideration that the Islands may be much concerned in the resources of rice in South Carolina and Georgia."

<sup>1</sup> A copy of these resolutions, in the writing of George Bond, is in the *Papers of the Continental Congress*, No. 59, II, folio 175.

<sup>2</sup> Henry's letter is in the *Papers of the Continental Congress*, No. 71, I, folio 215.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 249.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of the Committee of Commerce, on their application, for twenty four thousand dollars, advanced for payment of a set of exchange, for one thousand pounds sterling exchange at nine hundred per ct., equal to 22,857 livres 2 sous tournois, drawn by Mr. Holker, junr. on France; the said Committee to be accountable.

That a warrant issue on the treasurer, in favour of Mr. John Fell, delegate for the State of New Jersey, for five hundred dollars, on his application, for which the said State is to be accountable.<sup>1</sup>

*Resolved*, That there be hereafter five auditors for the army, whilst the circumstances of the war shall render it necessary: that the Board of Treasury have power to order the said auditors respectively to repair to and settle accounts in the main army or any detachment, and to give the auditors proper instructions for conducting this business, agreeable to the institution of the office and directions of the Board.<sup>2</sup>

Congress proceeded to the election of an auditor; and, the ballots being taken, Mr. William Bedlow was elected.

The commissioners of claims report,

That there is due to three companies of volunteers raised in Bedford county, Pennsylvania, for the defence of the frontiers, commanded by Captains Thomas Clugage, Henry Black and John McDonald, their bounty and pay, from their first enlistments to 31 July, 1778,

<sup>1</sup>These items, dated February 3 and 4 respectively, are in the *Papers of the Continental Congress*, No. 136, III, folio 81.

<sup>2</sup>This report, in the writing of Elbridge Gerry, and dated January 26, is in the *Papers of the Continental Congress*, No. 136, III, folio 59. In its original form the auditors were to have power to order any three or a less number of their members to repair to army, etc. This is the supplementary report to that mentioned under January 25, p. 114, *ante*.

inclusive, amounting to 2,526 68/90 dollars, to be paid to George Woods, Esq., one of the commissioners appointed by General Hand and George Clymer Esq. to raise these companies:<sup>1</sup>

That there is due to Francis Hopkinson, his salary as treasurer of loans, from 27 October, to the 1 January, 1779, inclusive, and for postage of letters, 609 76/90 dollars.

That there is due to Mark Wilcox, for 46,946 sheets of paper for loan office certificates and bills of exchange, a ballance of 4694 54/90 dollars:

That there is due to Colonel Lewis Nicola's invalid regiment, their pay for the month of December last, two thousand one hundred and two dollars and 26/90 dollars, to be paid to Colonel Lewis Nicola:

That there is due to Lieutenant William Calhoon, a ballance of pay during his captivity, from the 4 October, 1777 to 31 January, 1779, inclusive, with rations or subsistence for that time, four hundred and thirty two and 23/90 dollars:

That there is due to Lieutenant William Preston, of the artificers, a ballance of pay and rations or subsistence during his captivity, from 14 February, 1778, to the 28 January, 1779, to be paid to his wife, Elizabeth, 160 20/90 dollars:<sup>2</sup>

*Ordered,* That the said accounts be paid.

*Ordered,* That so much of the commissioners' report of 26 January, 1779, as relates to the accounts of Lieutenant Colonel Davidson and Major Thomas Hogg, be referred to the Board of Treasury.

<sup>1</sup>This report, dated February 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 87. See under December 14, 1778.

<sup>2</sup>This report, dated February 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 75.

A letter, of 13 September, 1778, from Egbert Benson to Messrs. [William] Duer and G[ouverneur] Morris, accompanied by a quantity of torn bills, was laid before Congress, soliciting that the same be exchanged:

*Ordered*, That the same be referred to the Board of Treasury.

*Ordered*, That the Committee on Foreign Affairs report with all possible dispatch.

Congress took into consideration the report of the committee, on the letters from Joan Guarciia Duarti, &c. and thereupon,

*Resolved*, That the board of war of the State of Massachusetts bay, be authorized and requested to pay the nett proceeds of the sales of the snow *Our Lady of Mount Carmel and St. Anthony* and her cargo, and also to deliver what unsold effects they still have in charge belonging to the same concern to the owner or owners of the said snow and cargo, his or their order, or certain attorney.

*Resolved*, That the said board be requested to inform such owner or attorney, that remedy may be had at law against the captors or their owners, for any special damages arising from the capture of the said snow.

*Ordered*, That the remainder of the report be postponed.

*Ordered*, That the Secretary desire Messrs. Hall and Sellers, and Messrs. Bradford, to send for the use of the members of Congress weekly fifty of their respective newspapers.

The committee to whom was referred the information given to Congress by the hon. H[enry] Laurens, dated the 11 and 16 of January, 1779, and that received from the hon. Mr. [Francis] Lewis, dated 15 January, 1779, respecting the conduct of Robert Morris, Esq. in transacting the commercial business of these United States,

particularly relating to the ship *Farmer*, Captain Dashiell, loaded at Baltimore, and captured by the enemy, brought in a report, which was read.

Adjourned to 10 oClock to Morrow.

**WEDNESDAY, FEBRUARY 10, 1779**

A letter, of 8, from General Washington was read:  
*Ordered*, That it be referred to the Board of War.

A letter, of 9, from William McKissack was read:  
*Ordered*, That it be referred to the Board of War.

A letter, of 9, from Jonathan Brewer, captain lieutenant in Colonel Proctor's regiment of artillery, was read, praying for leave to resign his commission:

*Resolved*, That Captain Lieutenant Jonathan Brewer have leave to resign, and that his resignation be accepted.

A letter, of 9, from Mons. Noirmont de la Neuville, was read praying to have leave to return to France, and that the certificate of Brigadier Parsons in his favour, which he delivered to the Board of War to be annexed to their report, may be returned to him:

*Resolved*, That Mons. Noirmont de la Neuville have leave to return to France, and the certificate of Brigadier Parsons, mentioned in his letter, be returned to him.

A petition of Frederick Varner, in the new jail, was read, praying to be allowed the benefit of walking in the yard in the day time for the recovery of his health.<sup>1</sup>

*Resolved*, That the prayer of the petition be granted.

A letter, of 28 January, from Robert Morris, was read, requesting, as insinuations have been thrown out against him, in this House, respecting the books of the Secret

<sup>1</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 103; that of McKissack is in No. 147, III, folio 89; that of Brewer is in No. 78, III, folio 287; that of La Neuville, in No. 78, XVII, folio 67; that of Varner, in No. 42, VIII, folio 37.

Committee, that a special committee may be appointed to examine the entries and settlements made by him in those books, to examine into the expenditure of public money entrusted to him, and to the late house of Willing, Morris & Co. and to examine into the state of their and his present unsettled dependencies with the United States; and that the said committee be directed to report to the House specially on the premises, in order that his conduct may be truly understood in Congress, and from thence be made known to the public by the best authority:<sup>1</sup>

*Ordered*, To lie on the table until Congress shall have taken into consideration, and determined on the report delivered in last evening.

The report of the committee on the information &c. was then read, together with the papers therein referred to:

*Ordered*, That the said report, with the papers alluded to in it, lie on the table for the perusal of the members, and that the House proceed to take the same into consideration on Tuesday next.

Mr. [George] Plater, a delegate from Maryland, attended and took his seat in Congress.

Congress took into consideration the letter, of 29 January, from the president of Pennsylvania, with the papers enclosed; after some time spent thereon, a motion was made to adjourn, on which the yeas and nays being required by Mr. [Daniel] Roberdeau;

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Whipple,	ay   ay	Mr. Ellery,	ay   ay
<i>Massachusetts Bay,</i>		Collins,	
Mr. S. Adams,	no	<i>Connecticut,</i>	
Gerry,	no	Mr. Ellsworth,	ay   ay
Lovell,	no	Root,	
Holten,	no		

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 137, Appendix, folio 245.

<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay,	no	Mr. T. Adams,	no
G. Morris,	no	F. L. Lee,	no
Floyd,	no	Smith,	ay
Lewis,	no	Griffin,	ay
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Frelinghuysen,	no } *	Mr. Penn,	ay
<i>Pennsylvania,</i>		Hill,	ay
Mr. Roberdeau,	no	Burke,	no
Clingan,	no	<i>South Carolina,</i>	
Shippen,	no	Mr. Laurens,	no
Atlee,	no	Drayton,	no
Searle,	no	Hutson,	no
<i>Delaware,</i>		<i>Georgia,</i>	
Mr. McKean,	no } no	Mr. Langworthy,	ay } ay
<i>Maryland,</i>			
Mr. Plater,	no		
Paca,	no		
Carmichael,	no		
Henry,	ay		

So it passed in the negative.

After farther debate on the same subject, an adjournment was called for, and the yeas and nays being required by Mr. [Daniel] Roberdeau;

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	ay } ay	Mr. Jay,	ay
<i>Massachusetts,</i>		G. Morris,	no
Mr. S. Adams,	ay	Floyd,	ay
Gerry,	ay	Lewis,	ay
Lovell,	no	<i>Pennsylvania,</i>	
Holten,	ay	Mr. Roberdeau,	no
<i>Rhode Island,</i>		Clingan,	no
Mr. Ellery,	ay } ay	Shippen,	ay
<i>Connecticut,</i>		Atlee,	no
Mr. Ellsworth,	ay	Searle,	no
Root,	no } div.		

<i>Delaware,</i>		<i>North Carolina,</i>	
Mr. McKean,	ay } ay	Mr. Penn, Hill, Burke,	ay } ay
<i>Maryland,</i>		<i>South Carolina,</i>	
Mr. Plater, Paca, Carmichael, Henry,	ay } ay ay } ay no	Mr. Laurens, Drayton, Hutson,	ay } ay no
<i>Virginia,</i>		<i>Georgia,</i>	
Mr. T. Adams, F. L. Lee, Smith, Griffin,	ay } no } ay ay } ay ay }	Mr. Langworthy,	ay } ay

So it was resolved in the affirmative.

Adjourned to 10 o'Clock to Morrow.

#### THURSDAY, FEBRUARY 11, 1779

A letter, of this day, from Captain Elihu Trowbridge was read; Whereupon,

*Ordered*, That the letter be referred to the Marine Committee, and that they be directed to advance Captain Trowbridge such sum and afford him such other relief, as to them shall seem meet and agreeable to equity.

A memorial of George Goodwin was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War, who are directed to take order thereon.

A memorial from Aaron Lopez was read:

*Ordered*, That it be referred to the Committee on Appeals.

A memorial of Captain Lewis Celeron was read, with sundry certificates in his favour therein inclosed:

*Ordered*, That the same be referred to the Board of War.

<sup>1</sup>This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 411.

A memorial from Sarah Kennedy was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 29 January, from Major General Gates, was read:<sup>2</sup>

*Ordered*, That so much thereof as relates to supplying the magazines in the eastern district with flour be referred to the committee for superintending the commissary's department; that so much thereof as relates to the specie in the hands of Major General Heath be referred to the Board of Treasury, and that they take order thereon; and that the remainder of the letter with the papers enclosed be referred to the Board of War, who are directed to transmit copies thereof to the Commander in Chief.

A letter, of 16 January, from J. Powell, president of the council of Massachusetts bay, was read, with sundry papers enclosed: Whereupon,

*Resolved*, That the said letter, and papers enclosed, be transmitted to the Commander in Chief, and that he be directed to give orders for bringing to court martial the several persons accused of misdemeanors in the report therein referred to.

Mr. [Henry] Laurens having yesterday, after reading the report from the committee and other papers referred to, informed Congress in his place, that from a part of Mr. Morris's vindication, he recollects a circumstance which had come to his knowledge since this subject had been in agitation in Congress, which might more fully clear up Mr. Morris's conduct; and that as his sole view had been to do justice, it would give him the highest pleasure to be an instrument in doing justice to Mr. Morris, and promised to explain himself this morning; accordingly he produced a paper, containing an extract of a letter from the Secret

<sup>1</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, V, folio 15.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 154, II, folio 53.

or Commercial Committee, dated the 25 October, 1776, containing advice to Thomas Morris, commercial agent at Nantz, of their having chartered a new ship at Baltimore, which Mr. Laurens said he was persuaded and had no doubt, was the ship *Farmer*; that his recollection sprung from hearing the words, *new ship*, read in Mr. Morris's vindication; and that it afforded him the greatest satisfaction to have it in his power to produce an evidence, which, in his opinion, put it beyond all doubt, that the ship *Farmer*, Captain Dashiell, had been loaded on public account, and moved the House to receive the said extract, and to add it to the other papers which were delivered in by the committee and read yesterday: the said extract was accordingly received and added to the other papers.<sup>1</sup>

The report was then resumed and read, as follows:

The committee to whom was referred the information given to Congress by the hon. Mr. [Henry] Laurens, dated the 11 and 16 of January, 1779, and that received from the hon. Mr. [Francis] Lewis, dated 15 January, 1779, respecting the conduct of Robert Morris, Esq. in transacting the commercial business of these United States, particularly relating to the ship *Farmer*, Captain Dashiell, loaded at Baltimore and captured by the enemy, report,

That your committee having notified their appointment to the said Robert Morris, and furnished him with copies of the above written informations, and having requested his attendance, met according to order, and received his defence in writing, dated 22 January, 1779, to which your committee beg leave to refer, as well as to the vouchers referred to by the said Robert Morris, in his said defence:

That it appears to your committee that the said Robert Morris, was a member of the Secret Committee, and from

<sup>1</sup> This paper, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 19, IV, folio 225.

the minutes of the said committee of 15 of August and 20 and 26 September, extracts of which are herewith delivered, and from the testimony of J. Brown, then clerk of the said committee, it appears that the said Secret Committee, from a confidence in the integrity of the said Robert Morris, from a knowledge of his commercial abilities, and from a conviction that his extensive commercial connexions both abroad and in America, would enable him to execute with facility the continental commercial affairs, requested the said Robert Morris, and authorized him to purchase up produce in the different states on continental account, and to export the same, and entrusted him solely with the transactions of this business:

That it appears to your committee, from the testimony of the said J. Brown, that when the said Robert Morris was entrusted and authorized as aforesaid, it was known and understood by the said Secret Committee, that his purchases, aforesaid, were to be made under cover of the firm of Willing, Morris & Co. and exported under the like cover, as circumstances should direct, and that this mode was adopted to prevent the rising of the price of produce and hire of vessels, which generally happens when it is known that purchases and contracts are making on the public account:

That it appears to your committee, from the testimony of John Brown, Peter Whiteside, and Benjamin Hogenland, (whose depositions are herewith delivered) that the ship *Farmer* was chartered on the continental account, though under the firm of Willing, Morris & Co. and that her load of iron and tobacco, except 50 hogsheads, was purchased and shipped also on the continental account; and that the said ship being thus chartered, and the said load of iron and tobacco so purchased, and shipped, were

facts well known to the said John Brown, Peter Whiteside, and Benjamin Hogeland; the said John Brown being the said Robert Morris's agent in the transaction, and the said Peter Whiteside and Benjamin Hogeland, being clerks of Willing, Morris & Co.

That it appears from the testimony of John Brown, then clerk of the said Secret Committee, that the charter-party of the said ship *Farmer*, was lodged in the office before the said committee removed to Baltimore, and therefore known to the said committee before the loading or sailing of the said ship:

That it appears to your committee, that the chartering of the said ship under the firm of Willing, Morris & Co. the filling up the bills of loading, forming the special contract as endorsed on one of them, and drawing the instrument of valuation in the manner and terms as the said several instruments of writing are express, were merely precautions calculated to give the whole transaction the colour of a private commercial concern, correspondent to the plan adopted by the said Robert Morris, declared and made known to the said Secret Committee, and founded on the reasons above suggested:

That your committee are further confirmed in this idea, from observing that the like measures were taken in the chartering and loading the ship *Aurora*, and from its being proved to your committee, by the testimony of the said Benjamin Hogeland, the said Robert Morris's clerk, that the said Willing, Morris & Co. did not charter or load any chartered ship for their own account and risque during the time the said Robert Morris was entrusted and authorized as aforesaid:

That it appears to your committee, that the said Robert Morris's defence in writing is full and explicit on every fact, circumstance and question stated in the information

*February, 1779*

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of the hon. Mr. [Henry] Laurens and Mr. [Francis] Lewis, and is supported by clear and satisfactory vouchers; and your committee beg leave to refer to the said written defence, particularly as to such facts, circumstances or questions aforesaid, as your committee have not specially reported.

Upon the whole, your committee are of opinion, that the said Robert Morris has clearly and fully vindicated himself; and your committee are further of opinion, that the said Robert Morris in the execution of the powers committed to him by the said Secret Committee, so far as his conduct has come to the knowledge of your committee, has acted with fidelity and integrity, and an honorable zeal for the happiness of his country.<sup>1</sup>

Congress taking into consideration the said report, and the papers accompanying and referred to in the same:

*Resolved unanimously,* That Congress agree to the said report.

PHILADELPHIA, *January 22<sup>nd</sup>, 1779.*

HONORABLE GENTLEMEN:

Having heard that Colonel Smith was chairman of a Committee appointed to examine into the truth of information given in Congress by the Honb<sup>d</sup> Henry Laurens, Esq<sup>r</sup> respecting a Tobacco Ship Loaden by my order, &c, I waited on the Gentlemen yesterday, and received from him three papers which Colonel Laurens and M<sup>r</sup> Lewis had laid before Congress on the 11<sup>th</sup>, 15<sup>th</sup> and 19<sup>th</sup> instant. The first of these papers is said to be the substance of a Conversation between M<sup>r</sup> Lewis and M<sup>r</sup> Laurens as related by the latter.

I will only remark on this performance, that it should have been mentioned, *who* asked me, how the property of that Cargo would appear; because that Querist must have had some knowledge of this transaction. No man would presume to ask such a question respecting my private affairs, and it follows that if such a question was put to me, the person asking it, must have had knowledge that the Cargo

<sup>1</sup>This report, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 19, IV, folio 195.

was public property, which is clearly a circumstance in my favor. However, I do not remember any such Conversation, and as no Ship was loaden by my order with the quantities of Tobacco mentioned in this paper, I shall quit it, and proceed to the second, endorsed "Substance of the Conversation between M<sup>r</sup> Laurens and M<sup>r</sup> Lewis as reduced to writing by the latter."

The object here held out, is, "That a Ship loaden with Tobacco in Baltimore Harbour was near ready to sail for France, whilst Congress was there; and the Captain being applied to by the Commercial Committee to carry public dispatches and deliver them at Paris objected thereto, Saying he could not justify himself to his owners in leaving the Ship to proceed with the packets to Paris. He was then asked, if the Ship was not loaden on public account; to which he replied, She was chartered by Willing and Morris's clerk, and that the bills of loading he had signed were filled up, Shipped by Willing and Morris, concluding, therefore, that the Cargo was not on account of the public. The armed Brig *Lexington* was then ordered to be immediately fitted for the Sea, and Cap<sup>t</sup> Johnston appointed to carry the dispatches."

As there was but one Ship loaden by my order at Baltimore with Tobacco, I conclude the Ship meant by M<sup>r</sup> Lewis, is the Ship *Farmer*, Captain Benj<sup>n</sup> Dashiell; and indeed this is declared in Col Laurens's 2<sup>d</sup> piece, delivered to Congress the 19<sup>th</sup> January. I shall, therefore, proceed to explain that transaction, first observing, that I do not wonder M<sup>r</sup> Lewis should have asked Captain Dashiell if his Ship was not loaden on public Account, as I had frequently mentioned in Committee, before they left this city, that I had chartered a fine New Ship at Baltimore on good terms, to carry a Cargo of Tobacco on public Account. Nay, I am morally certain that the Charter party was produced to the Committee, approved of and Lodged amongst their papers (before they went for Baltimore), where it has remained ever since. Unluckily no minute was made when it was received, but M<sup>r</sup> Brown, the then clerk of that Committee, is clearly and strongly in the same belief with myself on this point. It is however very extraordinary that M<sup>r</sup> Lewis or any of the Committee should conclude this Cargo was not for public Account, on being told the bills of loading were filled up: Shipped by Willing & Morris, for he and they most certainly knew that Willing, Morris & Co were actually employed at that very time, in making large purchases and exports for the public by their order and under cover of the name of that House. A line to me for explanation at that time, would have set the whole Affair in a clear light. The Captain might

have taken the dispatches, and no suspicions could have arisen. This was not done and I am now called upon to explain the transaction two years after it happened.

I deliver herewith the copies of three entries on the Minutes of the Secret Committee, dated 15<sup>th</sup> August, 20<sup>th</sup> and 26<sup>th</sup> September, 1776. These will shew that I was employed at that time to purchase and export large quantities of produce on public Account, and even to send to New England to procure Ships to carry it away. I confess these Minutes of the Committee do not come up to my expectations, because they do not express near what was then meant and clearly intended by the Committee, that any House was to cover those purchases and exports with their names, so that they might not be known to be for public Account, apprehending what always happens, that when large purchases are known to be making for the public, prices would inevitably rise. These reasons were assigned at the time I was employed. The Clerk of the Committee remembers it well, and so I think must the then members; altho' I have not had an opportunity of speaking to one of them on the subject. It is very clear that I understood the matter in this way, for I took all my measures accordingly, and made the purchases in the name of Willing, Morris & Co on such terms as will not disgrace them when the Invoices come to be inspected. Some time in September, 1776, about the time I was employed as above, M<sup>r</sup> John Brown of this City, Merchant, informed me he could charter a fine New Ship from M<sup>r</sup> Archibald Buchanan of Baltimore on reasonable terms, and procure a Cargo of good Tobacco for her Cheap. Pleased at this information, as Ships were then wanted, I told him to make the agreement on the terms he mentioned, which were reasonable, and proceed to load her as quick as he could. M<sup>r</sup> Brown being a Man I had often employed, I knew him well and reposed perfect confidence in him; which induced me to tell him, I chartered and should load this Ship for Congress, but that he must not communicate that circumstance to his partner, M<sup>r</sup> Cornthwait, the owner or Captain of the Ship, nor to any other person whatever least the price of Tobacco should rise on its being known the purchases and exports then making by Willing, Morris & Co were on public account. M<sup>r</sup> Brown went down to Baltimore, agreed for the Ship and his partner proceeded to load her under the idea of this business being on Account and risk of Willing, Morris & Co, conformable to which the Charter party was made and in my instructions to M<sup>r</sup> Cornthwait, dated 15<sup>th</sup> December, 1776, I was obliged to cover from his knowledge the real owners of this prop-

erty by having the bills of loading filled up (as had been done on many other occasions) for account and risk as per advice, and at the same time I wrote a letter to my brother and another to Mess<sup>rs</sup> Pliarne, Penet & Co, sent open to M<sup>r</sup> Cornthwait, to be forwarded in the Ship with the Invoices and bills of Loading in terms conformable thereto, referring him to future orders for the application of the N<sup>t</sup>. proceeds of this Cargo.

As Ships were Scarce, and I employed all my influence and Connections to procure every one I could hear of for the public, by that means depriving my House of any opportunity to charter and Ship for their own Account, which they were desirous to do, I concluded to risk a small adventure of Tobacco on their private Account in such of the Ships, thus Chartered, as I judged convenient, paying the same price for the goods, the same freight the public were to pay, and standing a proportional part of the risk of each ship's value. This I conceive was no ways injurious to the public, but on the contrary it was in every instance a sure pledge that the business was conducted on what we thought good terms. In pursuance of this plan I directed fifty Hhds. of the Tobacco by the Ship *Farmer* to be put in a seperate Invoice and bill of loading, expressed for account and risk as per advice, for the reasons already mentioned. At the time I did this, M<sup>r</sup> Jn<sup>o</sup> Brown and the people in my Counting House were acquainted with my intentions. The bills of loading were signed in Baltimore, the 9 January, 1777, and delivered to me in Philadelphia by M<sup>r</sup> Brown, the 17<sup>th</sup> January, when not having Willing, Morris & Co's books or the books of the Committee to make any entries or notes, I endorsed the property on the bills of loading respectively, and having that day written and dispatched a letter to my Brother respecting the Cargo of another Ship called the *Aurora* or *Oxford* (her English name), which was dispatched from Virginia under the like circumstances of the Ship *Farmer* with 312 Hhds Tobacco on public Account and 100 Hhds. on account of Willing, Morris & Co. I copied the said letter that night, and added thereto a Postscript respecting the Cargo of the *Farmer*, Cap<sup>t</sup> Dashiel, explaining whose property and how he was to credit the net proceeds of these concerns. The Invoices of this Cargo did not come up with the bills of Loading, because some charges on the Tobacco could not be got in, in time. These Invoices are dated in Baltimore, February 23<sup>rd</sup>, 1777, and are entered in Willing, Morris & Co's book the 12<sup>th</sup> March following, when the Secret Committee are charged for their part of the Cargo; and I am not clear that the loss of that Ship

was certainly known even at that time. Altho' the Honb<sup>d</sup> Richard Henry Lee Esq<sup>r</sup> in a letter, dated Baltimore 3<sup>rd</sup> February, which I considered from the nature of its Contents as wrote on behalf of the Committee, has the following paragraph: "They (the British Ships of War) have taken Buchanan's Ship as she went down." This I knew at the time was not founded on positive information, for the report was they had taken a Tobacco Ship. But as some others besides Buchanan's was going down, it was not known which was the fortunate or which the unfortunate Ships for a considerable time after; and I replied to this letter the 8<sup>th</sup> February to the Committee in these words: "I hope what you say of Buchanan's Ship is not true, the public have 500 Hhds of Tobacco on board her, and I have 50 on my own Account. It is too much to loose, and I would Willingly think the report false, as I have met with many such in this kind of business." I must here beg leave to remark that M<sup>r</sup> Lewis's suspicion seems to have been founded on this letter, and what passed between him and Captain Dashiell before sailing; but I cannot think he entertained that suspicion on the receipt of this letter, if he did why did he not write to me for an explanation. I should have sent it instantly, with the endorsed bills of loading and M<sup>r</sup> Browns declaration made before the fate of that Ship was certainly known. But these letters which gave rise to M<sup>r</sup> Lewis's suspicions so long after the transaction, bear a very different construction in my opinion. Why did Colonel Lee or the Committee mention the Capture of that Ship to me in a public letter, if she had no connection with the public. They certainly knew it at that time, and in answer I told them the quantities of Tobacco on board, supposing they might be ignorant of that particular. And can it be supposed I would have wrote them that information if I had any design of playing a trick to rouse their suspicions while the matter was fresh and could be easily investigated? But this letter caused no such suspicions. Gentlemen's memories served them better at that time and afterwards when payment of the valuation of the vessel was called for, which the Committee complied with without hesitation, well knowing how just was that demand on the public. In support of this plain State of the facts I deliver herewith, the affirmation of John Brown and the Oath of M<sup>r</sup> Peter Whiteside, two persons of well known integrity and well established good character, marked No 1 and 2. The bill of Loading for Willing, Morris & Co's fifty Hhds of Tobacco endorsed—No 3—Invoices of the Cargo received from Baltimore, No 4. Invoice of the 500 Hhds of Tobacco and 35 Tons of Iron, made out from Willing,

Morris & Co's books, dated 12<sup>th</sup> March, 1777, No 26. Copies of my letters to M<sup>r</sup> John Cornthwait, M<sup>r</sup> Tho<sup>s</sup> Morris and Mess<sup>r</sup> Pliarne, Penet & Co dated 15<sup>th</sup> December, 1776, N<sup>o</sup> 5. Copies of my letter 17<sup>th</sup> and 29<sup>th</sup> January, 1777, No 6, copy of M<sup>r</sup> Tho<sup>s</sup> Morris's letter to me, dated Nantes 24<sup>th</sup> April, 1777, No 7, acknowledging receipt of those letters, and which you will compare with the original now produced for that purpose. Also the letter from Colonel Lee on behalf of the Committee to me, dated 3<sup>rd</sup> February, N<sup>o</sup> 8.

These papers include such conclusive proofs of my innocence that I cannot doubt they will acquit me of the Suspicions entertained by the two honb<sup>le</sup> Gentlemen, even in their own minds. In the minds of all impartial readers or hearers of them I am sure I shall stand acquitted, and here I would drop the subject, had not Colonel Laurens in his paper, dated the 16<sup>th</sup> January, and read in Congress the 19<sup>th</sup>, made many remarks and reflections which require to be noticed. It appears by this paper that he is very desirous of establishing it as a fact, that he mentioned this affair of the Tobacco Ship in Congress in York Town. It is immaterial to my present purpose whether he did or did not, but I solemnly declare I never heard one word of it until Saturday evening, the 9<sup>th</sup> inst., when I was informed by some members of Congress what had that day passed on this subject, and I believe my manner of receiving the information convinced them the subject was entirely new to me.

All I knew or heard at Manheim or York Town was in general terms that Col Laurens made insinuations to the prejudice of my character in respect to the books of the Secret Committee, and one gentleman added that he had pledged himself to ask me some home questions; I was several times at Congress, in York Town, after hearing this, and expected those home questions, but they were never put. I intended calling on M<sup>r</sup> Laurens in Congress for an explanation, but was dissuaded from it on being assured my character had suffered no injury. I believe it must be well known in Congress that all the attacks made on my character there happened during my absence. I never heard of a disrespectful word being said of me whilst I attended at York Town or here, nor was any thing of the kind ever said to me at any time. Neither M<sup>r</sup> Lewis nor M<sup>r</sup> Laurens unfolded their suspicions to me, and it cannot be supposed that I was to set on foot an inquiry after a charge I did not know or suspect. Had this matter been mentioned to me, my sensibilities are too keen to have remained

quiet under suspicions of that nature, altho' I held in Contempt and disregarded what could be said of me respecting the books of the Secret Committee, well knowing what I had done therein would always justify me if necessary to appeal to them. The mismanagement of the Commercial business is much insisted on: I deny that any part of those concerns which came immediately under my direction, or that of my House as Agents or Factors, has been mismanaged. On the contrary, I intend and expect to prove to the entire satisfaction of Congress, that no part of their affairs have been better managed. With respect to any want of regularity in the proceedings of the Committee, if there be any such, I am not more responsible than the other members; but I believe the proceedings of this Committee whilst I had the honor to belong to it (which was not from the first establishment as some have imagined) were as regular as most other Committees, and I have served on several. I am also inclined to doubt whether the Management of the Commercial concerns has mended since I quitted the Board, unless the present late appointed Committee have made better arrangements.

Colonel Laurens has insisted repeatedly that he could have posted up the books of the Secret Committee in nine days, provided the entries were regularly made in the Waste book. This I shall not dispute altho' I doubt it. But those entries were not made. It was to make those entries that I took the books and the making of them that cost me what little time I could spare. If I have in those entries wilfully or ignorantly caused confusion, as has been insinuated, the matter can easily be rectified by laying aside those books, and beginning a new Sett. The Minutes of the Committee, the book of Records, the letters, Accounts and papers of the Committee, furnish all the Materials, and are exactly the same from which I made the entries. Consequently the public cannot be injured or deceived by what I have done. It is only the loss of my labour and my clerks that posted up the books, and this was no expence to the public.

However I believe what I have done in those books is fair and clear and will be understood by Accomptants. It only remains that all other entries resulting from this business should be made from the papers in possession and from Accounts yet to be collected from several Individuals, to enable the closing these books with Accuracy. Colonel Laurens remarks that six interlineations of the words, and Company, appear in the Charter party. I can assure him they were not

made by me nor by my order. The firm of my House was at that time Willing, Morris & Co, and other people's inaccuracys must not criminate me.

My design in chartering and loading the Ship *Farmer* is clearly proved to have been from the first moment for public Account. Therefore M<sup>r</sup> Laurens's insinuation, respecting what he calls the *ex post Facto* endorsements on the bills of Loading, looses its force. These endorsements were certainly made after the signing of the bills by the Captain and after the sailing of the Ship; but equally true they were made before the date of her Capture by the enemy. My orders for M<sup>r</sup> Brown to Charter the Ship being verbal, and he going in person to execute them, accounts for Colonel Laurens not being able to find the records he searched After. My letters to M<sup>r</sup> Cornthwaite, my Brother and Pliarne Penet, & Co were wrote the 15<sup>th</sup> December, 1776, after the books and papers of the Secret Committee as well as my own were sent away. Consequently the letters I wrote during that time were copied on loose paper sometimes by myself, some times by others, just as I could make out (one of my clerks being out with the Militia, and another away in care of my effects); and they have remained ever since amongst a number of copies of other letters written by me during that period when I was harrassed and distressed by a torrent of public business that fell on me whilst Congress was at Baltimore. Many members of Congress must remember this to have been my case at that time. Regularity was then impossible, and I think it happy for me circumstanced as I then was, that such clear and convincing proofs of my honest intentions and faithful conduct happen to be in my power. The Extracts from the Minutes of the Committee shew their design of employing my House extensively and confidentially. The Clerk of the Committee corroborates what I have already said on that subject. Under this confidence I chartered the Ship *Farmer* in the name of my House, under the same confidence I chartered the Ship *Aurora* (or *Oxford*) in the same manner in Virginia about the same time. This I did intend to shew by producing the Charter party; but a dispute having arose about the Insurance of that Ship, I believe the Charter party has been sent down to the Honb<sup>l</sup> Benj<sup>a</sup> Harrison, Esq<sup>r</sup>, in Virginia. However you have herewith the bill of loading for 312 Hds. Tobacco, Shipped by that Ship on public Account, and the property is endorsed thereon as in the case of the *Farmer*. I mention this case particularly because it is so exactly similar to the other, except that the entries of the Cargo are made in Willing, Morris &

Co's books, before any thing of the fate of that Ship was heard of, or suspected. More Ships would probably have been chartered in the same manner had not the committee whilst at Baltimore made it known to the Agents employed, that their purchases was for public Account, and thereby determined me not to cover the Matter any longer with our names, as the prices got up immediately thereon. During the time Willing, Morris & Co Acted as Agents to the Committee, they chartered no Ships for their own Account, and all the Cargoes they shipped for the public which arrived the net produce has been applied to public use. To corroborate this and other parts of what I have related or observed herein, I also deliver you the Oath of M<sup>r</sup> Benj<sup>a</sup> Hogeland who has for ten years past been entrusted with my Books and money, and of course may be supposed to deserve entire credit. If then the public have received the net proceeds of every Cargo that arrived, surely they ought to pay for those that were taken or lost.

The witnesses, whose Oaths and affirmations are delivered you will attend the Committee to answer any questions they may think proper or necessary to ask. I am convinced the Secret Committee, when they concurred in paying for the Ship *Farmer*, remembered well at that time the information I had frequently given them of her being Loaden on public Account, and I am pretty sure they recollect having seen and approved the Charter party before they left this city. For there was not a doubt express'd as to the propriety of that transaction. How or why M<sup>r</sup> Lewis came to entertain suspicions after agreeing to that payment, I know not; but his doing so has subjected me to much Calumny and a public enquiry two years after the transaction happened. This Gentleman seems to think the *Lexington* was fitted out to carry dispatches because Cap<sup>t</sup> Dashiell declined taking them, and thence M<sup>r</sup> Laurens' remarks on the expence so incurred.

This is another proof against M<sup>r</sup> Lewis's Memory, for I know and have letters that prove it, that whether Cap<sup>t</sup> Dashiell had carried dispatches or not, the *Lexington* must have gone on that errand; more than She was wanted for that purpose and actually dispatched from different places about that time.

I am happy that Colonel Laurens from a love of Justice, has at last brought this affair to a public investigation, my innocence being fully and clearly established thereby, and I cannot entertain a doubt but you Gentlemen of the Committee, in your report and the Honble Congress in their determination will do me public Justice in this Matter.

With respect to other insinuations against me, I deem myself under an indispensable necessity of making application to Congress which I shall do as soon as this affair is finished.

I am with great Respect Honble Gentlemen Your obt Servant  
ROBERT MORRIS.<sup>1</sup>

*Ordered*, That the letter of 29 January, from R. Morris, be referred to the committee who brought in the foregoing report.

The Committee on the Treasury brought in a report; Whereupon,

*Resolved*, That the accounts of the regimental pay masters be settled at least once a quarter, and rendered agreeable to such forms as shall be approved by the Board of Treasury.

*Ordered*, That a warrant issue on the treasury in favour of Mr. F[rederick] Frelinghuysen, one of the delegates for the State of New Jersey, for 500 dollars, on his application; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Jeremiah Wadsworth, commissary general of purchases, for two millions three hundred thousand dollars, for the use of his department, and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Major General Greene, Q. M. G. for one million five hundred thousand dollars, for the use of his department, and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Colonel B. Flower, commissary general of military stores, for one hundred and fifty thousand dollars, for the use of his department, and for which he is to be accountable.<sup>2</sup>

<sup>1</sup>This letter, in the writing of Robert Morris, is in the *Papers of the Continental Congress*, No. 19, IV, folio 227.

<sup>2</sup>This report, dated February 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 95.

That a warrant issue on the treasurer in favour of Joseph Sharpe, for 325 dollars, it being a ballance due to him for riding express, agreeably to a certificate of the Hon. Henry Laurens, Esq. late President of Congress.<sup>1</sup>

*Resolved*, That a secretary of the treasury be appointed, with the salary of two thousand dollars per annum.

For the two vacant offices of auditors in the army, the following gentlemen were nominated:

Felix Varley and Alexander Fowler by the Board of Treasury; William Hoskins by Mr. [Oliver] Ellsworth; Joseph Howell, jun. by Mr. [Samuel John] Atlee.

For paymaster and treasurer of the Navy Board in the middle district, the following nomination was made:

Joseph Pennell, by ~~Mr. S. Adams~~ the Marine Committee.

The Committee on the Treasury to whom were referred the reports of the commissioners of claims, of 26 January and 1st instant, report that having conferred thereon with James Johnson, Esq. an auditor of the army, now in this city, they are of opinion:

That the said accounts<sup>2</sup> be referred for settlement to the auditors of the main army, except Lieutenant James Lloyd's account;

And that a warrant issue on the treasurer in favour of the said James Lloyd, for 36 dollars in full of his account for conducting soldiers to the army in January last:

*Resolved*, That Congress agree to the said report.

The commissioners of claims report that they have examined the accounts of Colonel Lewis Nicola for sundry disbursements made by him as town major of

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 138, III, folio 97. It includes also the paragraphs on Lloyd's accounts.

<sup>2</sup>Of Lieutenant Colonel William Lee Davidson and Thomas Hogg.

Philadelphia, by direction of the Board of War, and that there is a ballance of 9 40/90 dollars due to him:

PHILADELPHIA, Feby 8<sup>th</sup> 1779

The Commissioners report

	Dollars
That they have examined the accounts of Col <sup>o</sup> Lewis Nich- ola for sundry disbursements made by him as Town Major of Philad <sup>b</sup> , by direction of the Board of War, and find that he has received of that Board Two thousand three hundred dollars	2, 300
That he has stopped from the pay of Philip Warner the reward paid for taking him up as a deserter ten dollars	10
Making in all two thousand three hundred and ten dollars	2, 310
Which he accounts for as follows, vizt. He has paid to sundry soldiers of different Corps arrears of pay due to them amounting to one thousand three hundred twenty five and 88/90 dollars	1, 325 88/90
For apprehending deserters three hundred and twelve 48/90	312 48/90
For stationery, his Clerks wages and other office expenses five hundred and four and 6/90 dollars	504 6/90
For candles for Guards, and sundry other Contingencies, one hundred and seventy six and 78/90	176 78/90
The whole making two thousand three hundred and nine- teen and 40/90 dollars	2, 319 40/90
Which leave a balance due to Col <sup>o</sup> Nichola of nine dollars and 40/90 <sup>1</sup>	9 40/90

*Ordered*, That the said account be paid.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 12, 1779

A letter, of 4, from W. Smith, Samuel Purviance Jun., Arch. Buchanan, John McLure and Richard Curson, by order and in behalf of the merchants of Baltimore, was read:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, III, folio 89.

*Ordered*, That it be referred to the Marine Committee.

A letter, of 11, from Christopher Hele was read:<sup>1</sup>

*Ordered*, That it be referred to the committee on the letter of 15 November from Admiral Gambier, and that the Secretary furnish the committee with the necessary papers in his office.

A petition signed William Lewis Proctor was read:

*Ordered*, That it be referred to the Committee on Appeals.

A letter<sup>2</sup> and report from the Board of War were read, relative to Count Pulaski's and Colonel Armand's corps:

*Ordered*, That the same be returned, and that the Board of War be informed that Congress only means that the infantry of Count Pulaski and Colonel Armand's corps be recruited to their original establishment, and that the Board be directed to report accordingly.

A letter, of this day, from Count Pulaski was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

*Resolved*, That the part of Count Pulaski's letter of the 4, referred to the Board of War, which relates to the settlement of his accounts, be referred to the Board of Treasury who are hereby authorised and directed to take such immediate order therein as they shall deem proper.<sup>4</sup>

Two memorials from the hon<sup>ble</sup> Sr. Gérard, minister plenipotentiary of France, were read.

On motion, *Resolved*, That the committee appointed to superintend the printing of the journals of Congress, be directed to employ Mr. Robert Aitken to print those of

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 405.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 51.

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 164, folio 88.

<sup>4</sup>This paragraph formed part of a report of the Board of War, of February 6, 1779. The report also recommended "That the corps late Ottendorf's (now commanded by Captain Schott) be annexed to and march with Count Pulaski's Legion." The balance of the report was adopted March 1, 1779, post. The report is in the *Papers of the Continental Congress*, No 147, III, folio 29.

the year 1778, and that they be authorised to engage to take of him as well as of Mr. John Dunlap, so many of each future volume printed by them respectively as shall equal the number of the 1 and 2d, already received.

Adjourned to 10 oClock to Morrow.

SATURDAY, FEBRUARY 13, 1779.

*Resolved*, That the President inform the Minister Plenipotentiary of his most Christian Majesty, that Congress will take the subject of his memorials of the 9th instant into immediate consideration, and that if he wishes to communicate any thing farther to them, Congress will receive the same from him in a private audience.

*Resolved*, That all private audiences given to foreign ministers, be held in a committee of the whole House.

A letter, of this day, from Colonel Hartley, was read, desiring leave to resign his commission;<sup>1</sup> Whereupon,

*Resolved*, That the reasons offered by Colonel Hartley for resigning his commission are satisfactory, and therefore that his resignation be accepted.

*Resolved*, That Congress have a high sense of Colonel Hartley's merit and services.

A report from the Board of War was read; Whereupon,

*Resolved*, That a warrant for 94,000 dollars be drawn on the treasurer of the United States, in favor of the pay master of the Board of War and Ordnance, to be paid, from time to time, by order from that Board, to Colonel Armand, for the purpose of recruiting his corps, which shall not exceed the complement of a regiment, he to be accountable for the sums he shall so receive:

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 400.

That Brigadier General Pulaski be authorized, as casualties happen, to recruit men to keep up the infantry in his corps to its original establishment, and that a warrant for 50,000 dollars be drawn in favor of the pay-master of the Board of War, to be paid to Brigadier General Pulaski, or his order, from time to time, for the purpose before mentioned, and to re-enlist during the war the men of his corps, whose times are about expiring; he to be accountable for the sums he shall, from time to time, receive.

*Resolved*, That all the men, inhabitants of these states, who shall be recruited in the corps of General Pulaski, and Colonel Armand, in any of the United States, shall be credited to the quota of the State in which they shall be enlisted, they not being inhabitants of any other of the United States.

*Resolved*, That Colonel Armand and Brigadier General Pulaski, make returns to the Board of War of the recruits they shall enlist; and in such returns the places of nativity and settlement, and the State wherein they were enlisted shall be particularly mentioned; and the Board are hereby directed to transmit to the respective states, the names and numbers of such persons, inhabitants thereof, as shall be so enlisted.<sup>1</sup>

The commissioners of accounts report:

That there is due to Lieutenant Colonel Samuel Hay for accoutrements furnished his company when he was captain in the 6th, now the 7 Pennsylvania regiment, by Mease and Caldwell, in 1776, which were by them charged

<sup>1</sup>This report (present Root, Lee, Pickering, and Peters) is in the *Papers of the Continental Congress*, No. 147, III, folio 55. The Board added: "Col. Armand's corps was never determined in its numbers, unless General Washington's orders herewith sent shall be looked upon as deciding this point."

"General Pulaski's corps was chiefly enlisted for one year, and their times of course now about expiring."

in their general account against the regiment, for the use of his company, and which he omitted charging in his account current at the general settlement made with the commissioners of claims, in May, 1777, which he had a right to do, no stoppages being ever directed to be made for accoutrements, two hundred and forty dollars and 83/90ths.

That there is due to the Rev. Mr. Louis Lotbinier, his pay and subsistence as chaplain to Colonel J. Livingston's regiment from the 11th January, to 10 February, 1779, inclusive, 60 dollars.

That there is due to Captain Robert Campbell, a balance of pay as lieutenant during his captivity, from 22 August to the 1st of December, 1777, 65 81/90 dollars:

*Ordered*, That the said accounts be paid.

The Board of War to whom was referred the letter of 3 February, from Mons. Gérard de St. Elme, having reported specially thereon, Congress took into consideration the said report; and, thereupon, came to the following resolution:

*AT A BOARD OF WAR, February 12<sup>th</sup>. 1779.*

Present, M<sup>r</sup> Lee, M<sup>r</sup> Root, M<sup>r</sup> Peters, and Colonel Pickering.

The Board having considered Monsieur Girard de St Elme's letter of the 8<sup>th</sup> inst., referred to them by Congress, and conversed with him on the Subject of it; beg leave to observe:

That he enjoyed in France the Commission of Lieutenant of Cavalry; that before his embarkation for America he received from M<sup>r</sup> de Sartine the Commission of Captain; that on his passage he was taken and carried to London, from whence he went to Bordeaux, where he again embarked for America, taking with him Arms, accoutrements and clothing for supplying the troops of the United States, to the amount of 30,000 livres: but being chased by a British Frigate, and in danger of being taken, the captain ordered the whole to be thrown overboard to secure the vessel and residue of her Cargo from condemnation. That they were now obliged to steer for the Cape, whither the Frigate accompanied them. That from the Cape he came to these States, and

the last campaign served as a volunteer in the corps of Count Pulaski; Congress having been pleased to grant him the brevet of Lieutenant, to serve him in case of being made a prisoner. That he went with that corps to Egg Harbour, where in the Skirmish with the enemy he behaved with bravery, and had his horse killed with a bayonet. That he has served altogether at his own expence; nor asks now for any pecuniary compensation. That at length finding it impracticable, upon the reformation of the American Army, to obtain a post wherein he could serve with utility to the States and honor to himself, he proposes to return to France; but prays for such testimony of his deserts as Congress shall think him entitled to; he wishes to be gratified with the brevet rank of Major.

The Board have stated these facts for the information of Congress, and beg leave to Report.

That Mons. Gérard de St. Elme, having manifested great zeal, and encountered many difficulties to distinguish himself in the service of these states; having also made a campaign here, and behaved with bravery, and being now about to return to France:

*Resolved*, That he be appointed to the rank of major by brevet, as a testimony of the approbation of Congress of his zeal and services.<sup>1</sup>

Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair and Mr. F[rancis] L[ightfoot] Lee reported that the committee have had under consideration the report of the committee to whom was referred the report of the Committee on Appeals, January 19th, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That on Monday next Congress be resolved into a committee of the whole to consider farther the report of the committee, to whom was referred the report of the Committee on Appeals.

Adjourned to 10 o'Clock on Monday.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 46.

**MONDAY, FEBRUARY 15, 1779**

The President acquainted the House that, pursuant to their order, he had informed the Minister of France, that Congress will take his memorials of the 9th instant into immediate consideration; and that if he wishes to communicate any thing farther to them, Congress will receive the same in a private audience. That the minister wished to make farther communications to Congress, and would attend the house at twelve o'clock this day.

A letter, of 13, from P. Scull, secretary to the Board of War, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] McKean, Mr. [William Henry] Drayton, and Mr. [Eliphalet] Dyer.

A letter of this day from B. P. Smith was read.

A letter, of 8, and one of 12, from B. Arnold, major general, were read, with sundry papers enclosed.

Whereas, the Honorable the Supreme Executive Council of the State of Pennsylvania, by an Act passed on the third day of this instant February, have charged Major General Benedict Arnold with diverse misdemeanors in the course of the military command exercised by him in the city of Philadelphia and State of Pennsylvania.

*Resolved*, Therefore that the Commander in Chief be directed to cause the said Major General Arnold to be tried by a Court Martial for the several misdemeanors with which he so stands charged, in order that he may be brought to punishment if guilty; or if innocent, may have an opportunity of vindicating his honor.

*Ordered*, That the Commander in Chief give due notice to the Supreme Executive Council of the State of Pennsylvania of the time and place to be appointed for the trial of Major General Arnold, and that he so request them to point out the evidence on which the charges alledged in their said Act are founded.<sup>2</sup>

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 391.

<sup>2</sup>A motion, without date, and in the writing of James Duane, in the *Papers of the Continental Congress*, No. 19, I, folio 171.

The Minister Plenipotentiary of France attending agreeably to his appointment, Congress was resolved into a Committee of the Whole; after the Minister had withdrawn, the President resumed the chair, and Mr. F[ran-cis] L[ightfoot] Lee reported, that the Minister has had a private audience and free conference with the committee; that the committee have come to no resolutions thereon, and desire leave to sit again.

**TREASURY OFFICE, February 13<sup>th</sup>, 1779.**

The Committee on the Treasury have agreed to report the following state of facts on the subject of the application of the Commercial Committee for half a million of dollars, and complaint of delay in the Committee in making the report—

First. That before the application of the said Committee, which was delivered at the Board on the 6<sup>th</sup> instant, the Committee on the Treasury had presented Congress with a state of the demands on the Treasury amounting to more than fifteen millions, specifying that at that time no more of the then last emission of ten millions was unappropriated than one million four hundred thousand dollars.

Second. That to answer these demands (which were prior to the Commercial Committee's application) in part, Congress have directed an emission of five millions which is not yet nearly completed.

Third. That for the Commissary and Quarter Masters General's Departments only three millions eight hundred thousand dollars have already been appropriated, besides a million for Georgia, and a million for the recruiting service, and other grants to the amount in the whole of six million four hundred and seventeen thousand dollars, which were indispensable, and fully appropriate all the money in the Treasury and to be emitted.

Fourth. That the Committee appointed to confer with the Commander in Chief reported a resolution that instead of remittances to satisfy M<sup>r</sup> Beaumarchais and to obtain future supplies in a way of trade, a loan ought to be negotiated on government or private contracts in France for these purposes: which report yet remains to be decided upon; and if confirmed might supersede the necessity of such advance to the Commercial Committee.

Fifth. That the Board while the paper money laboured under the resolution for calling in the two emissions, thought it unadvisable to

recommend the emissions of large sums; and therefore contented themselves with informing Congress of the true state of the public debts and with reporting an emission of five millions only, with a view to give the fullest influence to the said resolution.

Sixth. That since the passing the resolution for purchasing Tobacco, the Board received information that the price of Tobacco had risen from £7 to £10 Virginia currency, and that in Maryland the price was from £10 to £15 and still is on the rise; and that by a computation it appeared that little less than two millions of dollars would suffice to purchase and ensure the said three thousand hogsheads of Tobacco. The Committee therefore did not think it beyond the line of their duty to give this information to Congress; especially as the delay occasioned by it, in the exhausted state of the Treasury could not be attended with any inconvenience.

Seventh. That the Committee, being charged with neglect of duty, cannot help observing that although the resolution of Congress for purchasing Tobacco, passed on the 15<sup>th</sup> day of January last, the application for the advance of half a million was not made until the 6<sup>th</sup> day of February, after all the last emission was anticipated by other demands.

The Committee therefore submit it to Congress whether the Tobacco at the present excessive price, and in the critical situation of our Finances, ought to be purchased; in which case it will be necessary to order a further emission of money without delay.<sup>1</sup>

[Adjourned to 10 o'Clock to Morrow]

TUESDAY, FEBRUARY 16, 1779

Mr. [Thomas] M'Kean, a delegate for Delaware, laid before Congress the following instrument, empowering the delegates of that State, or any of them, to ratify and sign the articles of confederation:

His excellency Cæsar Rodney, Esq. president, captain general and commander in chief of the Delaware State, to all to whom these presents shall come, greeting:

Know ye, that among the records remaining in the rolls office in the Delaware State, there is a certain instrument of writing, purporting

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 101.

*February, 1779*

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to be an act of the general assembly of the said State, which said act is contained in the words and tenor here following, to wit,

*Anno millesimo septingentesimo septuagesimo nono.*

**An act to authorize and empower the delegates of the Delaware state to subscribe and ratify the articles of confederation and perpetual union between the several states.**

Whereas Articles of Confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, signed in the general Congress of the said states by the honorable Henry Laurens, Esq. their then president, have been laid before the legislature of this State, to be ratified by the same if approved: and, whereas, notwithstanding the terms of the articles of confederation and perpetual union are considered as in divers respects unequal and disadvantageous to this State, and the objections stated on the part of this State are viewed as just and reasonable, and of great moment to the welfare and happiness of the good people thereof, yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that the interest of particular states ought to be postponed to the general good of the union; and moreover, in firm reliance that the candor and justice of the several states will, in due time, remove, as far as possible, the objectionable parts thereof:

Be it enacted by the general assembly of Delaware, and it is hereby enacted by the authority of the same, that the hon. John Dickinson, Nicholas Vandyke, and Thomas M'Kean, Esqrs. delegates appointed to represent this State in Congress, or any one or more of them, be, and they hereby are authorized, empowered, and directed, on behalf of this State, to subscribe and ratify the said articles of confederation and perpetual union between the several states aforesaid.

And be it further enacted by the authority aforesaid, that the said articles of confederation and perpetual union, so as aforesaid subscribed and ratified, shall thenceforth become obligatory on this State.

Signed by order of the house of assembly,

NICHOLAS VANDYKE, *Speaker.*

Signed by order of the council, THOMAS COLLINS, *Speaker.*

Passed at Dover, February 1, 1779.

All which, by the tenor of these presents, I have caused to be exemplified. In testimony whereof, the great seal of the Delaware State is hereunto affixed, at Dover, the sixth day of February, in the year of our Lord, one thousand seven hundred and seventy-nine, and in the third year of the independency of the United States of America.

CESAR RODNEY.

By his excellency's command, JAMES BOOTH, *Secretary.*

An appeal from the judgment of a court of admiralty for the State of New Jersey, on the libel Yelverton Taylor &c. *vs* Schooner *Fame*, was lodged with the Secretary and referred to the Committee on Appeals.

*Resolved*, That the letter of 8th and 12, from Major General Arnold, with the papers enclosed, be referred to the committee to whom was referred the letter from his Excellency Joseph Reed, president of the supreme executive council of Pennsylvania, respecting the conduct of Major General Arnold; and that the committee enquire into the ground of the charges against Major General Arnold, and report the result of their enquiry with all convenient despatch.

A motion was made, that Major General Arnold be suspended from all command in the army of the United States of America, during the time in which enquiry shall be made into his public conduct, and until a proper decision shall be made thereon; after debate, a motion was made, that the further consideration thereof be postponed.

On the question for postponing, the yeas and nays being required by Mr. [Daniel] Roberdeau,<sup>1</sup>

<sup>1</sup>In a letter of January 30, to the Pennsylvania delegates in Congress, President Reed requested them to call for the ayes and noes on any question "which may affect the authority or reputation of this Council, and more especially in the case of Gen. Arnold, . . . . that in our correspondence with our sister states we may have an opportunity to shew them how far their delegates in Congress do or do not manifest a disposition to support the authority of civil government, and more especially in the execution of the resolves of Congress." *Pennsylvania Archives*, VII, 174.

<i>New Hampshire,</i>		<i>Pennsylvania,</i>
Mr. Whipple,	ay } ay	Mr. Roberdeau,
<i>Massachusetts Bay,</i>		Clingan,
Mr. S. Adams,	no }	Shippen,
Gerry,	ay } ay	Atlee,
Holten,	ay	
<i>Rhode Island,</i>		<i>Maryland,</i>
Mr. Ellery,	ay } ay	Mr. Plater,
Collins,	ay	Paca,
<i>Connecticut,</i>		Carmichael,
Mr. Dyer,	ay }	Henry,
Ellsworth,	no } ay	
Root,	ay	
<i>New York,</i>		<i>Virginia,</i>
Mr. Jay,	ay }	Mr. T. Adams,
Floyd,	ay } ay	F. L. Lee,
Lewis,	ay	Smith,
<i>New Jersey,</i>		Griffin,
Mr. Witherspoon,	ay }	
Frelinghuysen,	no } ay	<i>North Carolina,</i>
Fell,	ay	Mr. Penn,
		Burke,
		<i>South Carolina,</i>
		Mr. Drayton,
		Hutson,
		<i>Georgia,</i>
		Mr. Langworthy,
		ay } ay

So it was resolved in the affirmative.

The delegates of Pennsylvania laid before Congress instructions to them from the Assembly of that State, and sundry papers, relative to the defenceless state of the frontiers:<sup>1</sup>

*Ordered,* That the same be referred to the committee lately appointed to confer with the Commander in Chief, and that they be directed to confer with a committee of the Assembly of Pennsylvania.<sup>2</sup>

<sup>1</sup> These instructions are in the *Papers of the Continental Congress*, No. 69, I, folio 605. In No. 41, VII, folio 31, is a memorial of inhabitants of Northumberland County to the general assembly of Pennsylvania, which was probably one of the accompanying papers.

<sup>2</sup> The Pennsylvania committee was composed of Delap, Thomas Smith, Martin, Mifflin, Sloan, Stephen Chambers, Hartley, George Woods, and Lacey.

A letter, of 8 December, from J. Trumbull, governor of Connecticut, and

A letter, of 9 instant, from G. Clinton, governor of New York, were laid before Congress:<sup>1</sup>

*Ordered*, That they be referred to the foregoing committee.

A letter, of 5, from P. Henry, governor of Virginia, directed to the delegates of that State, was laid before Congress:

*Ordered*, That it be referred to the delegates of Virginia.

A letter, of 5, from W. Finnie, deputy quarter master in Virginia, was read:<sup>2</sup>

*Ordered*, That it be referred to the delegates aforesaid.

A letter of 15, from the Board of War, was read.

WAR OFFICE, *February 15<sup>th</sup>, 1779.*

At the instance of General Pulaski we beg leave to represent to Congress, that he is dissatisfied with the present situation of his corps on account of its numbers being too small for a command equal to his rank, or to answer the purposes required by the plan which induced him to apply for the raising it. He says that on his agreeing to leave the command of the Horse he proposed to raise the Legion on the footing it was established by Congress; but that it was not intended he should *only* command this number of men in that Corps. He was to do detached duty with this corps, but a sufficient body of light troops from the Army was to be sent to him from time to time, to enable him to act with his legion in the partizan way and to support his enterprizes. That it was intended he should have under his command all the Foreigners particularly: and with this addition he should have had a respectable and useful body of troops. But as he is now ordered to the Southward this plan cannot take effect, and therefore it will be necessary to augment his Infantry to the number of a regiment, at least, as he cannot possess the advantages to the Southward he would have had, were he to serve with the grand Army. He says too that

<sup>1</sup>The letter of Clinton is in the *Papers of the Continental Congress*, No. 67, II, folio 156. Another letter, dated the 2d, addressed to James Duane, was read on this day, and is on folio 152.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 221.

he has Officers sufficient for the command of a regiment, and therefore it will not be more expensive to the public on the score of Officers had he permission to encrease the number of privates. We have only related General Pulaski's representation to us, and to save time, if Congress should think these are sufficient reasons therefor, we beg leave to submit the following Resolution:

That General Pulaski have permission and he is hereby directed to augment the Infantry of his Corps to the number of a regiment, and for this purpose, and also to enable him to reenlist the Men of his corps whose times are about expiring, a warrant be drawn in favor of the pay Master of the Board of War for the Sum of \_\_\_\_\_, to be paid to General Pulaski, or his order, from time to time, as the Board shall deem expedient. He to be accountable for such sums as shall be paid to him or his order.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

#### WEDNESDAY, FEBRUARY 17, 1779

A memorial from Brigadier W. Thompson and others, prisoners on Long island, was read:

*Ordered*, That it be referred to a committee of three: The members chosen, Mr. [Samuel] Atlee, Mr. [James] Duane, Mr. [Eliphalet] Dyer.

A letter, of 13, from J. Beatty, commissary general of prisoners, was read, with a letter to him enclosed from James Dick, secretary to Admiral Gambier:<sup>2</sup>

*Ordered*, That it be referred to the committee on the letter from Admiral Gambier.

A letter from Lieutenant [John de] Fontevieux,<sup>3</sup> a volunteer in Colonel Armand's corps, was read, praying to be admitted to serve the ensuing campaign as a super-numerary lieutenant in the said corps:

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 59.

<sup>2</sup>The prisoners' memorial is in the *Papers of the Continental Congress*, No. 41, X, folio 59; Beatty's letter is in No. 78, III, folio 291; that of Dick, on folio 273.

<sup>3</sup>The letter of Fontevieux is in the *Papers of the Continental Congress*, No. 78, IX, folio 225. The inclosing letter, on folio 239, is dated January 18, 1779.

*Resolved*, That his prayer be granted.

A memorial from W. Stewart, assistant commissary of purchases and issues, at Wyoming, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [John] Witherspoon, Mr. T[homas] Adams, and Mr. [James] Searle.

A letter, of 25 January, from J. Dodge at Pittsburg:

One, of 9th instant, from Lieutenant Colonel Cambray, at Baltimore, and one, of 16, from Brigadier, Count Pulaski, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of 2, and one, of 9th, from G. Clinton, governor of New York; also,

A letter, of 6, from B. Harrison, jun. deputy paymaster in Virginia; one, of 15, from Colonel Armand, Marquis de la Rouerie, and a petition from Michael Comyn, of Marseilles, in France, were read.

A letter from Sarah Kennedy was read; Whereupon, the Committee of the Treasury, having reported on the memorial of S. Kennedy, the same was taken into consideration, and a motion being made thereon,<sup>1</sup>

TREASURY OFFICE, February 13, 1779.

The Committee on the Treasury have agreed to report the following resolutions:

The Committee on the Treasury, to whom was referred the Memorial of Sarah Kennedy, widow of D<sup>r</sup> Samuel Kennedy, deceased, having taken the same into consideration, beg leave to report the following state of facts and resolutions. Doctor Kennedy being owner of the place or farm called the Yellow Springs, leased it to one Samuel Culbertson for ten years commencing the first day of April, 1774, reserving to himself the privilege of building houses and water works of

<sup>1</sup> The letter of Dodge is in the *Papers of the Continental Congress*, No. 78, VII, folio 235; that of Cambray, in No. 78, V, folio 315; that of Pulaski, in No. 164, folio 90; those of Clinton, in No. 67, II, folios 148 and 160; that of Harrison, in No. 78, XI, folio 401; that of Armand, in No. 164, folio 400; the petition of Comyn, dated June 30, 1778, in No. 42, II, folio 54; and that of Kennedy, in No. 78, XIII, folio 497.

any kind on the premises during the term, and allowing the Tenant such sum for damages as should be adjudged by three men indifferently chosen.

The above mentioned place was conceived proper for an hospital, which was accordingly erected at a great public expense with the approbation of Doctor Kennedy, who himself was afterwards a Physician in the service of the United States, and had the care of that Hospital. Sometime afterwards a dispute arose between the tenant and the Director General of the Hospitals respecting the compensation which was due to the tenant for the loss he sustained by the erection of the Hospital: an arbitration was entered into formally, and an award made in favor of the Tenant for six hundred pounds damages. The Director, dissatisfied with the award, laid the case before the Board of Treasury, who on the 16<sup>th</sup> July, 1777, gave their opinion, that the damages were excessive and ought not to be allowed; that it would be sufficient for the public use to retain a few acres of the farm for a garden, and the necessary buildings, that the dwelling house and the rest of the farm should be restored to the Tenant as soon as possible; that he should be allowed a reasonable compensation for the rent of the farm and his actual damages (of which he was directed to make a report), and for the rent of the ground to be reserved for the use of the Hospital; and that an agreement should be made with Kennedy for his title to the ground to be retained for the public use. The direction of the Board of Treasury on this subject is annexed. The Board have received no further report or information respecting the said Hospital, until the petition under consideration was presented to Congress. By the death of Dr. Kennedy it is now impracticable, without the aid of the Legislature of the State of Pennsylvania, to obtain a title to the ground on which the Hospitals are built, his Executors having no power to sell.

On this State of facts your Committee submit the following Resolutions:

*Resolved*, that the Legislature of the State of Pennsylvania be requested to pass a Law, to authorize three Commissioners to be appointed by them, to appraise on oath as much of the said farm (not exceeding ten acres) as they shall judge to be necessary and convenient for the said Hospital, and to vest the title of the said land in the President of Congress of the *United or Confederated States* and his successors in office forever for the use of the said States.

*Resolved*, that Congress will pay the price or value so to be ascertained, to such persons and in such manner as the said Legislature shall direct.

*Resolved*, That the Commissioners so to be appointed shall have full power and authority to ascertain what is justly due to the Tenant of the said Farm for the rent of that part thereof which has hitherto been occupied for the benefit of the Hospital.

*Resolved*, that the claim of the said M<sup>r</sup> Kennedy for waste and damages alledged to be done to the said farm by the Soldiers residing in the said Hospital, be deferred till other claims of a similar nature throughout the United States shall be taken into consideration.

Whereas it is represented that allowances have in some instances been made in the Quarter Master General's Department for Damages done by the troops of these United States to the possessions of the Inhabitants,

*Resolved*, that such allowances are not warranted by any Resolution of Congress and ought not to be made until some general rule may be established for doing equal justice in all similar cases throughout the United States.<sup>1</sup>

*Ordered*, That the consideration thereof be postponed.

A letter, of 9 September; one, of 30th September, one of 19 October; one, of 4 November; one, of 18, and one, of 20th November, from A. Lee Esq. at Paris, with sundry papers enclosed, were read:<sup>2</sup>

*Ordered*, That the same, together with the communications of the Minister Plenipotentiary of France, in his memorial of the 9, and in the private audience on the 15, be referred to a committee of five:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 19, III, folio 327. On folio 331 is the following, in the writing of Gouverneur Morris:

"That by the consent of the Executors of the will of Doctor Kennedy application be made to the Legislature of Pennsylvania by the Director General to vest the estate mentioned in the said Petition in the President of Congress and his Successors in office upon payment to the use of the devisees and legatees in the full value of the said estate, to be ascertained by Commissioners to be appointed by a law of said State for that purpose."

The report of the Board of Treasury, of July 16, 1777, on Culbertson's claim, is on folio 333.

<sup>2</sup> These letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), II, 704, 751, 800, 828.

The members [chosen], Mr. G[ouverneur] Morris, Mr. [Thomas] Burke, Mr. [John] Witherspoon, Mr. S[amuel] Adams, and Mr. M[eriwether] Smith.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 18, 1779

Mr. T[homas] Nelson, a delegate from Virginia, attended, and produced his credentials, which were read, as follows:

VIRGINIA, to wit,

IN GENERAL ASSEMBLY,  
*Thursday, December 10<sup>th</sup>, 1778.*

*Resolved*, that Thomas Nelson, junior, Esquire, be elected a Delegate to represent this Commonwealth in Congress until the eleventh Day of August next, in the room of John Harvie, who hath resigned.

Teste,

ARCHIBALD CARY, S. S.  
BENJ<sup>A</sup> HARRISON, Sp. H. D.<sup>1</sup>

A letter, of 4, from Jeremiah Powell, president of the council of Massachusetts bay, was read,<sup>2</sup> enclosing copy of a letter from J. Ward, a prisoner on Long island, and of a petition of Addison Richardson, captain; Nathaniel Cleaves, lieutenant; and Gibson Clough, ensign:

*Ordered*, That the same be referred to the committee on the petition from Brigadier Thompson and others.

On motion, *Resolved*, That the deputy paymaster in South Carolina do pay to Matthew Irwin & Co., or order, the sum of five hundred pounds Pennsylvania currency, equal to 1333  $\frac{1}{3}$  dollars, being the freight of the schooner, *Count d'Estaing*, loaded on account of the United States, and now bound for South Carolina, the said freight to be paid on the arrival of the said vessel at South Carolina and delivery of the cargo.

<sup>1</sup> The original is in the *Papers of the Continental Congress*, Virginia, *Credentials of Delegates*.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 65, I, folio 372.

*Ordered*, That Monday next be assigned for taking into consideration the letter of 29 January &c, from the president of the executive council of Pennsylvania.

Congress took into consideration the reports of the committee, appointed to confer with the Commander in Chief; and, thereupon, agreed to the following

*Plan for the Department of Inspector General:*

*Resolved*, That there be an inspector general to the armies of the United States, with the rank of major general, who, in all future appointments, shall be taken from the line of major generals:

That the duty of the inspector general shall principally consist in forming a system of regulations, for the exercise of the troops, in the manual evolutions and manœuvres, for the service of guards and detachments, and for camp and garrison duty:

That the inspector general, and his assistants, shall review the troops at such times and places, and receive such returns for that purpose, as the Commander in Chief, or commanding officer in a detachment, shall direct; at which reviews, he or they shall inspect the number and condition of the men, their discipline and exercise, and the state of their arms, accoutrements, and cloaths; observing what of these articles have been lost or spoiled since the last review, and, as nearly as possible, by what means; reporting the same, with the deficiencies and neglects, to the Commander in Chief, or the commanding officer of a detachment, and to the Board of War.

That all new manœuvres shall be introduced by the inspector general, and all old ones performed according to the established principles, under his superintendency: but he shall not introduce or practice any regulations rel-

ative to the objects of his department, save such as are made and established in manner following:

All regulations whatsoever to be finally approved and established by Congress. But the exigence of the service requiring it, temporary ones may, from time to time, be introduced by the inspector general with the approbation of the Commander in Chief. These regulations to be communicated to the army through the adjutant general, and to be transmitted to the Board of War with all convenient despatch, that, being examined and reported by them to Congress, they may be rejected, altered, amended, or confirmed, as Congress shall deem proper:

That in the main army, when circumstances require it, or in a separate department, there shall be an assistant inspector general, either taken from the line of brigadiers, or appointed with the rank, pay and rations of a brigadier, as Congress shall deem expedient.

That there be as many sub-inspectors as the Commander in Chief, or commanding officer in a detachment, shall, on consideration of the strength and situation of the army, from time to time, deem necessary,<sup>1</sup> to be taken from the line of lieutenant colonels, and to receive their instructions relative to the department from the inspector general:

That there be one brigade inspector to each brigade, who shall be one of the majors in the brigade; and that the office of brigade inspector shall in future be annexed to that of major of brigade. He shall accordingly keep a roster of the battalions of his brigade, regulate the details and take care of the formation and march of all guards, detachments, &c. from the brigade. He is to receive the general orders, and communicate them to the command-

<sup>1</sup>The original report here inserted: "These officers to be nominated by the Inspector General, or assistant Inspector General, with the approbation of the Commander in Chief, or commander in a separate department, and reported to the Board of War."

ing officers of the brigade and regiments, and through the adjutants, to all the officers of the brigade. He is so far as concerns his brigade, to inspect the police of the camp, the discipline and order of the service. In time of action he is to assist in executing the necessary manœuvres of the brigade, according to the orders of the brigadier or officer commanding. He is to do no duty in the line:

9. That each Brigadier be allowed an Aid de Camp for the despatch of his orders. That he be taken from the Line under the rank of Captain, and hold the same rank as in the Line. This regulation not to be extended so as to injure the present Brigade Majors, who shall act as Aids de Camp to their respective Brigadiers, with their present rank, pay and rations; and those who have rank in the line shall not be deprived of their right of succession and promotion in their Regiments as usual. That each of such Aids de Camp be allowed subsistence and rations for himself and a servant and Forage for two horses.

That all the officers of the inspectorship having appointments in the line, shall retain their rights of command, succession, and promotion, in the same manner as if they had not assumed the office. But as the duties of this department are sufficient to employ their whole time, they are to suspend the exercise of their respective commands, except on particular occasions, when the Commander in Chief, or commanding officer in a detachment, may deem it necessary to invest them with command. They are to be exempted from all common camp and garrison duty, that they may attend the more carefully to those of the inspection; and in time of action they are to be employed in assisting in the execution of the field manœuvres.

Nothing herein mentioned to be construed to the prejudice of the Officers undertaking the duties of the Inspectorship, who shall retain their ranks and places in their respective Corps, and their right of succession and promotion in the same manner as if they had not assumed the Office.

That the inspector general, so far as relates to the inspection of the army, be subject to the orders of Congress, the Board of War, and the Commander in Chief only: but the sub-inspectors shall also be subject to the officers commanding the divisions and brigades to which they are attached, on the principles herein established.

That there be allowed to the inspector general, in consideration of the extraordinary expences which attend the execution of his office, 84 dollars per month, in addition to the pay and rations of a major general, heretofore provided.<sup>1</sup>

WAR OFFICE, January 22<sup>nd</sup>, 1779.

The Board having frequently conversed with the Baron Steuben are clearly convinced, not only from the little value of our money and the extraordinary expences to which he is liable, but from his positive assurances that he has been obliged to draw a very large sum from his estate in Europe, which, altho, sufficient for his moderate support *there*, will not afford a diminution of the capital. He has, however, been obliged to draw such an amount as to decrease his capital, and from all circumstances there appears a probability of losing this valuable Officer unless some allowance is made him sufficient for his support.

He appears to be frugal and moderate in his expences, and by no means of an extravagant turn. He desires either to have his expences borne, of which he will render an account, and in that case he will throw in his pay; or that Congress will be pleased to ascertain the sum they will allow him for his support. He also seems to expect some indemnification for the expences of his voyage and other extra expences. As he is a foreigner of estimation in Europe, it cannot be expected that he will make those pecuniary sacrifices American Officers submit to, and more especially as he has inducements to return to Europe, where from his character and connexions he will not be at a loss for employment. The Board therefore thought it their duty to represent this matter to Congress, and as his case may be properly considered as an exception, any thing done for him need not be expected by future Inspectors General. The Board therefore with submission,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 83. It differs in wording from the printed form, but the essential differences are noted above. The preamble is printed under January 23, p. 111, *ante*.

propose that the pay of the Department shall be fixed without reference to the Baron, and that in consideration of his expence and the services he has rendered it be resolved,

That the Baron Steuben (besides the pay established for that Office by Congress) be allowed the sum of 84 dollars pr Month while in the service, as Inspector General of the Army of the United States, and that the sum of 4000 dollars be paid him, he to be accountable.<sup>1</sup>

A letter, of this day, from Brigadier Count Pulaski, was read;<sup>2</sup> Whereupon,

*Resolved*, That the Board of War inform Count Pulaski that Congress direct him to join the southern army without loss of time, and to enable him so to do, that the sum of 15,000 dollars be advanced to him out of the money lodged with the Board of War for the use of his legion; for which he is to be accountable.

That the paymaster of the said legion repair to the main army and settle the accounts of the said legion with the auditors, and then proceed to join his legion.

That the Board of War also advance to Count Pulaski bounty money to recruit his legion to its full complement of infantry, and Count Pulaski make report thereof to the Board of War, that Congress may then, if necessary, give orders for raising an additional number of recruits to be added to the said legion.

Congress proceeded to consider the reports of the committee appointed to confer with the Commander in Chief; and, thereupon, agreed to the following

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 197. It bears an indorsement in the writing of Charles Thomson:

"IN CONGRESS, April 12, 1779.

'Congress resumed the consideration of the letter of 22 January and 2 April, 1779, relative to an allowance to be made to Baron Steuben for his expences, and to Lieutenant Colonel Fleury and others, for extra services in assisting the Baron in forming regulations for the order and discipline of the army. After debate, Ordered, That they be referred to the Board of Treasury.'

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 164, folio 94.

*Arrangement of the Department of Ordnance:*

*Resolved*, That the commanding officer of artillery of the United States,<sup>1</sup> for the time being, shall, under the general orders, and with the concurrence of the Commander in Chief, arrange and direct all business of the ordnance department necessary to be done in the field. The ordnance, arms, and military stores in the fixed magazines to be drawn out only by the orders of the Board of War and Ordnance; unless, in the course of the service, circumstances should occur, in which the procuring such orders from the Board would, in the opinion of the Commander in Chief, and commanding officer of artillery, occasion improper delays; and, in such cases, the commanding officer of artillery shall have the power to draw from the nearest magazines the supplies wanted for the army: and the different commissaries and directors of the magazines and laboratories shall, in such cases, immediately obey the orders of the commanding officer of artillery, informing the Board of War and Ordnance of the same. And, that the Commander in Chief and commanding officer of artillery may know, in such cases, where to send for necessary supplies, the Board of War and Ordnance shall cause monthly returns of all ordnance, arms, and military stores at the magazines and arsenals of the United States, to be made to the Commander in Chief, who will communicate to the commanding officer of artillery the whole or any part of them, as he shall judge the good of the service requires. And as it may frequently happen, that parts of the army may be detached to such distances as to render their obtaining supplies, in the circumstances above mentioned, by the immediate orders of the Commander in Chief and commanding officer of artil-

<sup>1</sup> From this point the entry is in the writing of Thomas Edison.

lery, inconvenient; in such cases, the Commander in Chief and commanding officer of artillery shall give to the commanding officers of the detachment, and of the artillery annexed to it, proper directions for furnishing the detachment with the necessary supplies of ordnance, arms, and military stores; and the orders of the said commanding officers of the detachment, and of the artillery annexed to it, given pursuant to the said directions, shall be obeyed by the commissaries and directors at the magazines and laboratories, as if given immediately by the Commander in Chief and commanding officer of artillery of the United States. Each commanding officer of artillery making these extraordinary draughts, shall immediately give information thereof, and of the occasion of them, to the Board of War and Ordnance.

2. That there shall be a field commissary of military stores, to be appointed by the Board of War and Ordnance, who shall receive and issue all ordnance, arms, and military stores, in the field, pursuant to the orders of the Commander in Chief and commanding officer of artillery; all orders for this purpose from the Commander in Chief, to be directed to the commanding officer of artillery. The field commissary shall have so many deputies, conductors and clerks, to be likewise appointed by the Board of War and Ordnance, as, in the opinion of the Board, the Commander in Chief and commanding officer of artillery, the service shall, from time to time, require.

3. That the commanding officer of artillery, with the concurrence of the Commander in Chief, shall, from time to time, lay before the Board of War and Ordnance proper estimates, (which are by the Board to be transmitted to Congress) of all ordnance, arms, and military stores, necessary to be made and provided for the use of the army of the United States, that the necessary orders may be given concerning them.

4. That whenever the said commanding officer of artillery shall judge any particular directions necessary for, or alterations and improvements to be made in, the construction or preparation of ordnance, arms, and military stores, of any kind, he shall communicate the same to the Board of War and Ordnance for their consideration; who shall thereupon give such orders for the artificers and laboratory men, as they shall judge the good of the service requires.

5. That the field commissary of military stores, his deputies, conductors, and clerks, shall be independent of the commissary general of military stores; and the said field commissary shall make monthly returns of all ordnance, arms, and military stores, received, issued, and remaining on hand, to the Board of War and Ordnance, the Commander in Chief, and the commanding officer of artillery. His deputies and conductors also having the chief care of the military stores, with any detached parts of the army, shall make the like returns to the Board of War and Ordnance, the respective officers commanding those detachments, their commanding officers of artillery, and the field commissary; and the latter shall draw the whole into one general return monthly, one copy whereof he shall transmit to the Board of War and Ordnance, one to the Commander in Chief, one to the commanding officer of artillery, and a fourth to the commissary general of military stores.

6. That all moneys necessary for the department of the field commissary of military stores, shall be drawn out of the military chests by warrants from the Commander in Chief, and officers commanding detached parts of the army respectively; and the accounts of expenditures adjusted and settled by the auditors of accounts, once in every three months, and finally transmitted to the Treasury Board.

7. That, when it shall be thought necessary, the commanding officer of artillery shall send officers of artillery to visit the laboratories, foundries and manufactories, to the intent that they may thereby gain an insight into the mechanical branches of their profession. And such number of artillery officers, as, in the opinion of the commanding officer of artillery, with the concurrence of the Commander in Chief, can be spared from their duty in the field, shall, at every convenient season, be stationed at all or any of the principal laboratories, to be instructed in the laboratory art, that a knowledge thereof may be disseminated through the corps.<sup>1</sup>

8. That the deputy field commissaries and conductors shall apply for and receive all ordnance, arms, and stores issued from the fixed arsenals and magazines. And to prevent any that are insufficient being carried into the field, the said commissaries and conductors shall receive none apparently unfit for service. And whenever any articles in the ordnance department in the field shall be so damaged that they cannot be there repaired, and are, by order of the commanding officer of artillery, with the army, or with any detachment of it, sent to the commissary general of military stores, or any of his deputies, he and they shall receive the same, at such place as shall be most convenient; and either immediately cause them to be repaired, or replace them with others fit for service, as shall be most conducive to the public interest.

9. That the appointments of the said field commissary and his subordinate officers, be as follows, viz.

	Pay per month.	Subsist. per month.	Rations per day.
Of the field commissary	75 dollars.	40 dollars.	1
Deputy field commissary	60	30	1
Conductor	40	10	1
Clerk	40	10	1

<sup>1</sup> At this point Charles Thomson resumes the entries.

10. That there shall be one surveyor of ordnance, to be appointed annually from the colonels, the appointment to be made by the Board of War and Ordnance, until Congress shall direct otherwise. The officer thus appointed shall retain his rank in the artillery, and all the benefits arising from it; but during the time of his surveyorship, he shall not, except in extraordinary cases, or when called for by the Commander in Chief, perform any duty in the line. His duty as surveyor shall be to examine into the construction, qualities, and condition of all cannon, carriages, arms, and the materials for, and preparation of, every species of warlike stores, and to visit all the different arsenals, foundries, laboratories, and workshops, belonging to the ordnance department of the United States, carefully noting every error and defect he shall discover; which, together with a general state of the department, he shall report immediately to the Board of War and Ordnance, as well as the commanding officer of the artillery, with his ideas of any alterations and improvements proper to be made thereon. He shall also examine all ordnance and military stores in the field, and report the state of them to the commanding officer of artillery, and the Board of War and Ordnance; and for the purposes aforesaid, the commissary of military stores, as well in the field as elsewhere, shall make returns to the said surveyor, and expose to his view all the ordnance, arms, and stores, and all materials for the ordnance department in their custody. And the surveyor shall examine the said stores, to ascertain whether the quality, quantities, and numbers agree with the returns, and make report to the Board only. He shall likewise examine into the number of workmen employed in each branch of the ordnance department; and the principal in each branch shall make monthly returns of all work done within the month, one to the said surveyor of ordnance, and one to the commissary general of military stores; and

each of the latter shall transmit copies thereof monthly to the Board of War and Ordnance.

11. For executing the duties before mentioned, and any others relating to the ordnance department, which the good of the service may, from time to time, require, the Board of War and Ordnance shall give to the said surveyor such instructions as they shall think proper.

12. For defraying the expences of the said surveyor in the exercise of his office, he shall be allowed 70 dollars per month. besides his appointments as a field officer of artillery.

13. That the commanding officer of artillery of the United States, for the performance of his duties therein before prescribed, shall be allowed 75 dollars per month; and the commanding officer of artillery with any detached part of the army, shall have a like allowance. in proportion to his pay in the line.

The committee to whom was referred the memorial of W. Stewart brought in a report, which was read.

*Resolved*, That all officers, civil and military, in the service of the United States are bound, both in duty and respect, to attend upon the executive and legislative authority of any State, when required to enable such authority to make enquiry into any publick abuses, or the reprehensible conduct of any officer, civil or military, in the service of said States.

*Resolved*, That M. Clarkson, Aid de Camp to Major General Arnold, having refused to attend a summons of the Honble Executive Council of the State of Pennsylvania on an enquiry into a violation of the Resolve of Congress of the 21<sup>st</sup> of August, and a usurpation of the authority of the said Council, has been guilty of a breach of duty, and that he be suspended from all employment and pay in the service of the United States, for his indecent and insolent answer of January last to the summons of the said Council until further order be taken herein.<sup>1</sup>

Adjourned to 10 oClock to Morrow.

<sup>1</sup>This motion, in the writing of Daniel Roberdeau, is in the *Papers of the Continental Congress*, No. 19, I, folio 577. It is endorsed, "February 18. Set down for Monday 22."

**FRIDAY, FEBRUARY 19, 1779**

A petition from Major [Joseph, Count] Des Isnard and Captain [Victor, Chevalier] de Truisson, was read, praying, as they cannot find an immediate passage to France, to be admitted to serve the ensuing campaign in Count Pulaski's corps, the former with the pay of captain and the latter of lieutenant:<sup>1</sup>

*Resolved*, That they be informed that the present arrangement and state of the army do not admit the granting the prayer of their petition.

A letter from J. Reed, president of the council of Pennsylvania, was read,<sup>2</sup> requesting that Congress would favor the council of Pennsylvania, with copies of their proceedings against Captain Nicholson, on the complaint of Governor Johnson of Maryland; upon a like complaint made by Governor Henry, of Virginia, against an officer of the United States; and lately on a complaint made by New Jersey, or the governor thereof, against General Maxwell:

*Resolved*, That the president be furnished with the copies desired.

A motion was made, that the president be informed, that the several states have a right to copies of public resolutions of Congress, upon applications being made to the secretary therefor by their delegates.

On this the previous question was moved, and the yeas and nays thereon being required by Mr. M[eriwether] Smith,

<sup>1</sup>This petition is in the *Papers of the Continental Congress*, No. 42, IV, folio 13.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 613.

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple,	ay } ay	Mr. Plater,	ay }
<i>Massachusetts Bay,</i>		Paca,	ay }
Mr. S. Adams,	ay }	Carmichael,	ay }
Gerry,	ay }	Henry,	ay }
Lovell,	ay }	<i>Virginia,</i>	
Holten,	ay }	Mr. T. Adams,	ay }
<i>Rhode Island,</i>		F. L. Lee,	ay }
Mr. Ellery,	ay } ay	M. Smith,	no } ay
<i>Connecticut,</i>		Griffin,	ay }
Mr. Ellsworth,	ay }	Nelson,	ay }
Root,	ay }	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Penn,	ay }
Mr. Jay,	ay }	Hill,	no } ay
Lewis,	ay }	Burke,	ay }
<i>New Jersey,</i>		<i>South Carolina,</i>	
Mr. Witherspoon,	ay }	Mr. Drayton,	ay }
Fell,	ay }	Hutson,	ay }
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Clingan,	ay }	Mr. Langworthy,	ay } ay
Atlee,	ay }		

So it passed in the affirmative, and the main question was set aside.

A letter, of 18th, from Sarah Kennedy, was read:

*Ordered*, That it be referred to the Board of Treasury.

A memorial from eleven officers of the North Carolina prisoners, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 18, from the Board of War was read:<sup>1</sup>

*Ordered*, That so much thereof as relates to the department of the commissary of hides be referred to the Board of War, and that the Board prepare and report a plan for conducting the business of that department, and that the

<sup>1</sup>The Kennedy letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 501; the officers' memorial is in No. 41, VII, folio 231. It is signed by Lachlan Mackinnon and Donald Macleod. The letter of the Board of War is in No. 147, III, folio 71.

remainder be referred to the committee lately appointed to confer with the Commander in Chief.

The Committee on the Treasury brought in a report:  
Whereupon,

*Resolved*, That 5,000,160 dollars in bills of credit of the United States, be emitted under the direction of the Board of Treasury, and on the faith of the United States:

That the bills, excepting the numbers, be of the same tenor and date as the emission directed on the 3d of February instant and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

22,728 bills of 60 dollars each.	22,728 bills of 20 dollars each.
22,728 do. 50 do.	22,728 do. 8 do.
22,728 do. 40 do.	22,728 do. 7 do.
22,728 do. 30 do.	22,728 do. 5 do. <sup>1</sup>

*Ordered*, That a warrant issue on the treasurer, in favour of Mr. O[liver] Ellsworth, for 200 dollars, to discharge two bills drawn by John Ashe, treasurer of the State of North Carolina, on the continental treasurer, dated 10 May, 1777, in favour of Francis Child, for 100 dollars each, and expressed to be for the service of the United States, for which sum the State of North Carolina is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. O[liver] Ellsworth, delegate from the State of Connecticut, for 1200 dollars advanced upon his application; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of the delegates for the State of Virginia, for twenty thousand dollars advanced upon their application, for the use of, and for which the said State is to be accountable.

<sup>1</sup> This report, dated February 19, is in the *Papers of the Continental Congress*, No. 136, III, folio 111.

That a warrant issue on the treasurer, in favour of Mr. H[enry] Laurens, for 3394 15/90 dollars, being the ballance of his accounts, of payments made by him to express riders and to his two secretaries, to the 15 December last.

That a warrant issue on the treasurer, in favour of the Marine Committee, on their application, for 500,000 dollars for the use of the Navy Board of the eastern district, the said Marine Committee to be accountable.<sup>1</sup>

That agreeable to an order of Congress of May 15, 1777, in pursuance of which no warrant issued, a warrant issue on Nathaniel Appleton Esq. commissioner of the continental loan office in Massachusetts bay, in favour of himself, for 35,100 dollars, it being in full of two orders drawn by Abraham Livingston and William Turnbull on Robert Morris, Esq. in favour of the said Nathaniel Appleton, one dated at Boston, March 5, 1777, for 20,100 dollars, and the other dated at the same place March 17th, 1777, for 15,000 dollars; and that the same be charged to James Mease, Esq. who is to be furnished with a copy of this order.<sup>2</sup>

That a warrant issue on the treasurer, in favour of Mr. T[homas] Burke, in discharge of a bill of the 10 May, 1777, drawn by John Ashe, treasurer of the State of North Carolina, on the continental treasurer, in favor of Ensign John Raiford, for two hundred and fifty dollars, expressed to be for pay and subsistance of the continental troops in their State, which sum is to be charged to the State of North Carolina, being part of the sum heretofore granted to the said State.

That a warrant issue on the treasurer in favour of William Henry, of Lancaster, for eighty thousand dollars,

<sup>1</sup>This report, dated February 19, is in the *Papers of the Continental Congress*, No. 136, III, folio 113.

<sup>2</sup>This report, dated February 12, is in the *Papers of the Continental Congress*, No. 136, III, folio 99. On the same sheet, under date of February 13, the committee nominate Peter Fell to the office of Secretary to the Board of Treasury.

advanced upon the application of the Board of War and Ordnance, for the payment of leather, accoutrements and shoes for the army, and the repairing of arms; for which he is to be accountable.<sup>1</sup>

Whereas by the deposition of Samuel Inglis, it appears to the Committee of the Treasury, that the facts set forth in his petition to Congress of the 9th December last, are truly stated; and that about the 9th October last, having in his possession five sets of bills of exchange, dated 21 September last, and issued by Thomas Smith, Esq. commissioner of the continental loan office in Pennsylvania, on the commissioners or commissioners of the United States in Paris, in favour of Robert Bridges, to the amount of 5130 livres tournois, for payment of interest due on loan office certificates, he the said Samuel Inglis, to prevent the enemy from getting possession of the said bills, did destroy them, and that they consisted of the following denominations, viz.

No. 53 1 set, for 600 dollars.	No. 646 1 set, for 36 dollars.
112 1 do. for 300 do.	679 1 do. for 30 do.
216 1 do. for 60 do.	

One thousand twenty-six dollars at five livres tournois per dollar, is 5130 livres tournois:

*Resolved*, That the treasurer of loans be directed to sign and deliver to the said Thomas Smith, Esq. to be by him issued to the said Robert Bridges, five sets of exchange, amounting to 5130 livres tournois, of the tenor and date aforesaid, excepting that each set is to consist of the 5th, 6th, 7th, and 8th bills, and to specify in the body of each bill that one only of the eight is to be paid: provided that the said Samuel Inglis shall, previous to the issuing of the said bills, give to the said treasurer of loans a bond in the penalty of 20,000 dollars, with sufficient sureties, payable

<sup>1</sup>This report, dated February 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 109.

to the President of Congress, or his successor in office, for the benefit of the United States, for indemnifying the public or any person or persons who may be interested therein, from the payment of any of the original bills of exchange aforesaid:

*Resolved*, That the treasurer of loans furnish the said Robert Bridges, with quadruplicate letters of advice, each containing an attested copy of the preceding resolution, to the commissioner or commissioners of the United States at Paris.<sup>1</sup>

The Committee of the Treasury, having received proper recommendations of Peter Fell, beg leave to nominate him to the office of secretary to the Board of Treasury.

*Ordered*, That Mr. [Oliver] Ellsworth have leave of absence.

The Delegates of the State of Rhode Island and Providence Plantations having, in pursuance of an act of said State passed January Session, 1779, represented to Congress, that, from the loss of its trade, from the necessary decrease of husbandry, owing to the enemy's being in its bowels, on account of the great number of inhabitants who have left Rhode Island destitute of the necessaries of life, the said State is rendered unable to pay so large a proportion of the fifteen million dollars which the United States are called on to pay in the current year as is assigned to it by the Resolution of the [fifth of January], Therefore,

*Resolved*, That the Quota for said State be reduced to two hundred thousand dollars.<sup>2</sup>

*Ordered*, That the Marine Committee give directions to have one of the continental frigates prepared for sea with all expedition.

Adjourned to 10 oClock to Morrow.

<sup>1</sup>This report, dated February 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 107.

<sup>2</sup>This motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 36, IV, folio 31.

SATURDAY, FEBRUARY 20, 1779

A memorial from sundry merchants in Philadelphia, from whom goods were taken by the cloathier and quarter master general, for the public service immediately after the evacuation of that city, was read:<sup>1</sup>

Whereupon the committee to whom a former memorial from the said merchants was referred, and to whom a former report was re-committed, brought in a report, which was read:

*Ordered*, That it be re-committed.

*Ordered*, That Mr. [John] Witherspoon be added to the committee.

A letter, of 19, from B. P. Smith was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 19, from Ch. Pettit, A. Q. M. G., was read:

*Ordered*, That it be referred to the Marine Committee.

A petition from John Hart was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Eliphalet] Dyer, Mr. [Whit-mill] Hill, and Mr. [John] Witherspoon.

A letter, of 29 January, from Brigadier McIntosh at Fort Pitt, was read, accompanied with the proceedings of a court martial on the trial of Mr. Steel, deputy quarter master:

*Ordered*, That the same be referred to General Washington.

Whereas Brigadier M'Intosh, commanding a detachment of the army at Fort Pitt, hath requested leave to retire from that command:

<sup>1</sup>This memorial, dated January 28, 1779, is in the *Papers of the Continental Congress*, No. 41, VI, folio 105. Some of the signatures have been lost; those that remain are: William Beaven, John Steinmetz, Thomas Harper, John Shields, James Fisher, Jonas Phillips and W. McMurtrie.

*Resolved*, That the Commander in Chief be directed to appoint a proper officer to succeed to the said command; and that Brigadier General M'Intosh, on being relieved, repair to the main army or to such post as shall be assigned to him by the Commander in Chief.

A memorial from Captain Hector McNeil was read:<sup>1</sup>

*Ordered*, To lie on the table, and that the same be taken into consideration on Tuesday next.

A memorial of Lewis D. Passern, major of the regiment of Hesse Hanau, was read.

*Ordered*, That it be referred to the Board of War.

Mr. R[ichard] H[enry] Lee, a delegate from Virginia, attended and took his seat in Congress.

A report from the Board of War was read: Whereupon,

AT A BOARD OF WAR, February 16<sup>th</sup>, 1779.

Present, Mr Pickering, Mr. Peters, and Mr. Root.

The Quarter Master General, when in Town lately, reminded the Board of an application he made some months ago for direction relative to the portmanteaus and valeses he had provided pursuant to the orders of the Commander in Chief, to rid the army of the incumbrance of chests and boxes: As the Service did not admit of the smallest delay in the distribution (the Army being then in daily expectation of moving), they were immediately issued to the Officers, who were charged with them, but with an expectation from various considerations, that they should not be obliged to pay for them. The Board have conversed with the Quarter Master General fully on the subject: and beg leave to declare their entire concurrence in opinion with him.

*Resolved*, That the portmanteaus and valeses furnished to the officers of the army by the quarter master general, pursuant to the orders of the Commander in Chief, be charged to the United States, and the officers permitted to retain them for their own use: provided that no officer shall be more than once furnished at the public expence,

<sup>1</sup>This memorial, dated February 15, is in the *Papers of the Continental Congress*, No. 41, VI, folio 113.

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with the articles aforesaid, unless unavoidably lost, or taken by the enemy in time of action.<sup>1</sup>

AT A BOARD OF WAR, *February 16<sup>a</sup>, 1779.*

Present, Col. Pickering and M<sup>r</sup> Peters

The Board having considered the Memorial of Captain Celeron, with the certificates enclosed, referred to them by Congress, beg leave to observe: That they are convinced of Captain Celeron's Merit, and that his long services entitle him to a consideration which many foreign Officers have been indulged with. Instead of attending chiefly to his personal interest, he has been almost constantly on duty in the field: and having served with reputation near two years with the rank of Captain first given him, he respectfully asks the promotion his services may be deemed to merit.

When he first went to the Northward with General Gates, in 1777, he left behind him in this City a considerable quantity of clothing, more than enough to supply his present wants; but the person to whose care they were committed went off with the enemy and carried Captain Celeron's effects with him. At the evacuation of Tyconderoga he lost all his clothes save those on his back. In this destitute condition, a stranger in the country, without connections, and without any resources but his pay of Captain, he prays that some gratuity may be granted him to enable him to equip himself with the decency and propriety becoming his rank.

In case of an expedition to Canada he flatters himself he might be particularly useful; that being the place of his birth, and where his family were respectable. Until he can be otherwise employed, he desires to serve in General Pulaski's Corps as a volunteer.

From this view of his case the Board beg leave to Report.

That in consideration of his losses in the Service 1000 dollars be granted to him, to enable him to equip himself for further service.

*Agreed.* That Captain Lewis Celeron, who has served near two years in the army of these states and distinguished himself as an active, brave and good officer, be promoted to the rank of major by brevet.

*Resolved,* That in consideration of the losses of Captain Lewis Celeron, 1000 dollars be granted to him to enable him to equip himself for further service.<sup>2</sup>

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 63.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 67.

*Resolved*, That no brevet commission be granted to any officer except with the consent of nine states.

The committee to whom were referred letters of Governor Henry, and William Finnie, deputy quarter master general, respecting the convention troops stationed near Charlottesville, in Virginia, report,

That having conferred with the Board of War, they are informed that orders were given in due time to the commissary and quarter master general, for providing every thing necessary in their respective departments for the use of the said convention troops; that no complaints have been received respecting a deficiency of provisions; that the barracks were not compleated for the reception of the troops at the time of their arrival, but that they would soon be in good order after that time; that many British officers had been permitted to go to the neighboring towns for quarters, until they could be better accommodated at or near the barracks; that as no preparation hath been made at any other place for the accommodation and subsistence of the said troops, it will be inconvenient at present to remove them; that as some complaints have been received respecting the negligence of the quarter master in that department, the disorders which are apprehended and at present subsist, may probably be prevented and remedied by the personal attendance of the said quarter master at the barracks: Whereupon,

*Resolved*, That orders issue from the Board of War to the quarter master in the said department, directing him to reside at or near the said barracks, and that the governor and council of Virginia, be authorized and requested to superintend the conduct of those who shall have the direction of the said troops: and, if they shall think it proper, to take such order for the accommodation and

distribution of the said troops within the said State as the necessity of the case may require.<sup>1</sup>

The Committee of Commerce brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the Committee of Commerce for one hundred thousand dollars, the said Committee to be accountable.

Congress proceeded to the election of two auditors in the army; and, the ballots being taken, Felix Varley and Alexander Fowler were elected.

*Resolved*, That the President of Congress, from time to time, transmit to the executive powers of the several states, blank commissions for officers in the line to be appointed by them, and that they be requested regularly to send the names of such officers to the Board of War.

*Ordered*, That the election of a paymaster and treasurer of the navy board in the middle department be postponed.

Mr. Joseph Howell was nominated for that office by Mr. [Samuel] Atlee.

A letter from Timothy Penny was read;<sup>2</sup>

*Ordered*, That it be referred to the committee on the letter from Mr. Taylor

COMMERCIAL COMMITTEE CHAMBER, 20<sup>th</sup> Feb<sup>r</sup>, 1779.

Agreed to Report to Congress.

M<sup>r</sup> Robert Morris having presented to this Committee a letter from M<sup>r</sup> Stephen Ceroni, setting forth his distressed situation by being largely in advance for the United States even more than all his property will enable him to discharge, and as this Committee have it not otherwise in their power to re-imburse M<sup>r</sup> Ceroni than by the following proposals made by M<sup>r</sup> Morris, that is, that he, M<sup>r</sup> Morris, will immediately purchase of M<sup>r</sup> Holker, bills of Exchange to the amount

<sup>1</sup>This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 27, folio 81.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 207.

of three thousand pounds sterling and remit the same to M<sup>r</sup> Ceroni on account; and that M<sup>r</sup> Morris will obligate himself to be accountable to this Committee for the overplus, if any shall appear upon the final settlement of said Ceroni's account; provided Congress will re-imburse M<sup>r</sup> Morris for the payment of the bills aforesaid.<sup>1</sup>

Adjourned to 10 o'Clock on Monday.

**MONDAY, FEBRUARY 22, 1779**

A letter, of 20, from J. Reed, president of the supreme executive council of Pennsylvania, was read, with sundry papers enclosed:

*Ordered*, That it lie on the table until the order of the day is taken up.

A representation and petition of Thomas Newark was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 19, from General Washington was read,<sup>2</sup> enclosing unsealed letters from New York to Major General Lee:

*Ordered*, That the president forward to Major General Lee the letters directed to him, and inform him that Congress have no doubt but he will explain the transaction therein mentioned.

*Ordered*, That a warrant issue on the treasurer, in favour of the paymaster of the Board of War and Ordnance, for the sum of one thousand dollars in specie, to be by him forwarded to the Commander in Chief for secret service.

A letter, of 2, from W. Bingham at Martinique, was read:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 31, folio 199.

<sup>2</sup> Reed's letter is in the *Papers of the Continental Congress*, No. 69, I, folio 621; the petition of Newark is in No. 48, folio 191; and the letter of Washington, in No. 152, VII, folio 111.

*Ordered*, That so much as relates to the capture made by the private armed ship, the *Pilgrim*, commanded by Hugh Hill, and belonging to Andrew Cabot and others, of Salem, be referred to the Marine Committee, together with the papers relative thereto;

That the remainder be referred to the Committee of Foreign Affairs.

The Committee of Foreign Affairs laid before Congress a Regulation made by his most Christian Majesty, September 27, 1778, respecting the prizes which French privateers may carry into the ports of the United States of America, and those which American privateers may carry into the ports of France:<sup>1</sup>

*Ordered*, That it be referred to the Committee on Appeals.

A letter, of 12th, and one of 21 September, 1778, from W. Lee, Commissioner of the United States to the courts of Vienna and Berlin, both dated at Frankfort, on the river Maine, in Germany, were read; enclosing a plan of a treaty of commerce to be entered into between their High Mightinesses, the seven United Provinces of Holland, and the thirteen United States of America:

Plan of a Treaty of Commerce to be entered into between their High Mightinesses the States of the Seven United Provinces of Holland, and the thirteen United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

The Parties being willing to fix, in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce which they desire to establish between their respective Countries, States, Subjects and people, have judged that the said end could not be better attained than by taking for the basis of their agreement the most perfect equality and reciprocity, and by

<sup>1</sup> A copy of these regulations is in the *Papers of the Continental Congress*, No. 59, II, folio 109.

carefully avoiding all those burthensome preferences which are usually the sources of debate, embarrassment and discontent: by leaving also each party at liberty to make, respecting commerce and navigation, such interior regulations as it shall find most convenient to itself, and by founding the advantage of Commerce solely upon reciprocal utility and the Just rules of free intercourse, reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

On these Principles the parties above mentioned have after mature deliberation, agreed to the following Articles.

*Article the 1<sup>st</sup>*

There shall be a firm, inviolable and universal peace and sincere friendship between their High Mightinesses the States of the Seven United provinces of Holland and the United States of North America, and the Subjects and People of the said Parties, and between the Countries, islands, cities and Towns situated under the jurisdiction of the said United States of Holland and the said United States of America, and the people and Inhabitants thereof of every degree without exception of persons or places.

*Article 2<sup>d</sup>*

The Subjects of the said United States of Holland shall pay no other duties or imposts in the ports, havens, roads, Countries, Islands, cities and Towns of the said United States of America, or any of them, than the Natives and Inhabitants thereof shall pay; but shall enjoy all the other rights, liberties, privileges, immunities and exemptions in trade Navigation and Commerce in passing from one part thereof to another, and in going to and from the same, from and to any part of the World which the said natives or inhabitants enjoy.

*Article 3<sup>d</sup>*

The subjects, people and inhabitants of the said United States of America, or any of them, shall not pay any other duties or imposts in the ports, havens, roads, Countries, Islands, Cities or towns subject to their said High Mightinesses the States of the Seven United Provinces of Holland, than the natives and inhabitants of those Countries, Islands, Cities or towns shall pay; but shall enjoy all other the rights, liberties, privileges, immunities and exemptions in trade, Navigation and

Commerce in passing from one part thereof to another, and in going to and from the Same, to and from any part of the World which the said natives or inhabitants enjoy.

*Article 4<sup>a</sup>*

The subjects and people of each of the aforesaid Confederates, and the Inhabitants of the Countries, islands Cities or towns belonging to either of the parties, shall have liberty freely and securely, without licence or passport, general or special, by land or by Water, or in any other way, to go into the Kingdoms, Countries, provinces, lands, islands, cities, villages, towns walled or unwalled or fortified, ports, dominions or territories whatsoever of the other Confederate, there to enter and return from thence, to abide there and pass through the same, and in the mean time to buy and purchase as they please, all things necessary for their Subsistence and use, and they shall be treated with all mutual kindness and favor: provided, however that in all matters they behave and Comport themselves conformably to the public laws, Statutes and ordinances of such Kingdom, Country, province, island, city or town in which they may be and live and converse with each other friendly and peaceably, and keep up reciprocal Concord by all manner of good understanding.

*Article 5<sup>a</sup>*

The subjects and people of each of the Parties and the Inhabitants of the Countries, islands, Cities or Towns subject or belonging to either of them, shall have leave and licence to come with their ships or vessels, as also with the goods and merchandizes on board the same, (the trade or importation whereof are not prohibited by the laws or ordinances of either Country) to the lands, Countries, cities, ports, places and Rivers of either side, to enter into the same, to resort thereto, to remain and reside there without any limitation of time; also to hire houses or to lodge with other people, and to buy all kinds of lawful merchandizes and goods where they think fit from the first workman or Seller, or in any other manner, whether in the public market for the sale of things in mart-towns, fairs or wheresoever those goods or merchandizes are manufactured or sold; they may also lay up and keep in their magazines or warehouses, and from thence expose to sale merchandizes or goods brought from other parts; neither shall they in any wise be obliged, unless willingly and of their own accord, to

bring their said goods or merchandizes to the marts or fairs, on this condition however that they shall not sell the same by retail in Shops or any where else; but they are not to be loaded with any impositions or taxes on account of the said freedom, or for any other cause whatsoever, except what are to be paid for their ships, vessels or goods according to the Laws and Customs received in each Country, agreeable to the Stipulations in this Treaty; and moreover they shall have free leave and permission without any kind of hindrance or molestation to remove themselves; also if they shall happen to be married, their Wives, and Children, if they have any; and their Servants if they are willing to go with their masters, together with their merchandizes, wares, goods, and effects either bought or imported, whensoever and whithersoever they shall think fit, out of the bounds of each Country, by land or by Sea, on the rivers and fresh Waters, notwithstanding any law, privilege, grant, immunity or custom in any wise importing the contrary.

*Article 6<sup>a</sup>*

In the business of religion there shall be an entire liberty allowed to the Subjects of each of the Confederates, as also if they are married, to their Wives and Children, neither shall they be compelled to go to the Churches, or to be present at the Religious Worship in any other place. On the Contrary they may without any kind of molestation perform their religious exercises after their own way in Churches, Chapels or houses with open doors; moreover, liberty shall be granted to bury the Subjects of either party, who die in the territories of the other in convenient and decent places, to be appointed for that purpose as occasion shall require; neither shall the dead bodies of those that are buried, be anyways molested.

*Article 7<sup>a</sup>*

Furthermore it is agreed and Concluded as a general rule that all and singular the Subjects of their said High Mightinesses the Seven United Provinces of Holland, and of the said United States of America in all Countries and places subject to their power on either side, as to all duties impositions or customs whatsoever, concerning goods, merchandizes, persons, ships, vessels, freights, seamen, navigation and Commerce, shall use and enjoy the same privileges, liberties, and immunities at least and have the like favor in all things as well in the

Courts of Justice as in all such things as relate either to commerce or any other right whatever, which any foreign nation, the most favored has, uses and enjoys or may hereafter have, use and enjoy.

*Article 8<sup>a</sup>*

Their High Mightinesses the States of the Seven United Provinces of Holland shall endeavour by all the means in their power to protect and defend all vessels and other effects belonging to the Subjects, people or Inhabitants of the said United States of America, or any of them, being in their ports, havens, or roads or on the seas near to their Countries, islands, cities or towns, and to recover and cause to be restored to the right owners, their agents or attorneys all such vessels and effects, which shall be taken within their Jurisdiction; and their ships of War or any Convoys sailing under their authority, shall upon all occasions take under their protection, all vessels belonging to the Subjects, people or Inhabitants of the said United States of America, or any of them, or holding the same course or going the same way, and shall defend such vessels as long as they hold the same course or go the same way, against all attacks, force and violence in the same manner as they ought to protect and defend vessels belonging to the Subjects of their said High Mightinesses the States of the Seven United Provinces of Holland.

*Article 9<sup>a</sup>*

In like manner the said United States of America and their ships of War, sailing under their authority, shall protect and defend conform-  
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able to the preceding article all the vessels and effects belonging to the Subjects of the said Seven United Provinces of Holland, and use all their endeavours to recover and cause to be restored to their right owners, the said vessels and effects, that shall have been taken within the Jurisdiction of the said United States of America or any of them.

*Article 10<sup>a</sup>*

Their High Mightinesses the States of the Seven United Provinces of Holland will employ their good offices and interposition with the King or Emperor of Morocco or Fez, the Regency of Algiers, Tunis or Tripoli, or with any of them, and also with every other prince, State or power on the Coast of Barbary in Africa, and the Subjects

of the said King, emperor, States and powers and each of them; in order to provide as fully and efficaciously as possible for the benefit, Convenience and safety of the said United States and each of them, their Subjects, people and inhabitants, and their vessels and effects, against all violence, insult, attacks or depredations, on the part of the said princes or States of Barbary or their Subjects.

*Article 11<sup>a</sup>*

It shall be lawful and free for merchants and others being Subjects either of the said Seven United Provinces of Holland or of the said United States of America, by Will or any other disposition made either during the time of sickness or at any other time before or at the point of death, to devise or give away to such person or persons as to them shall seem good their effects, merchandizes, money, debts or goods, moveable or immoveable which they have or ought to have at the time of their death or at any time before within the Countries, islands, cities, towns or dominions belonging to either of the said contracting parties. Moreover, whether they die having made their will, or intestate, their lawful Heirs, Executors or administrators, residing in the Dominions of either of the contracting parties, or coming from any other part, altho' they be not naturalized and without having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities or private persons, shall freely and quietly receive and take possession of all the said goods and effects whatsoever according to the laws of each Country respectively; in such manner however, that the Wills and right of entering upon the inheritances of persons dying intestate must be proved according to law in those places where each person may happen to die as well by the Subjects of one as of the other contracting party, any law, Statute, edict, custom, ordinance, *Droit D'Aubaine* or any other right whatsoever notwithstanding.

*Article 12<sup>b</sup>*

The goods and Estates of the people and Subjects of the one contracting party that shall die in the Countries, islands, lands, cities or towns of the other shall be preserved for the Lawful heirs and Successors of the deceased, the right of any third person always reserved, and such goods and effects together with the papers, writings and books of accounts of such deceased person, shall be put into an Inventory by

the Consul or other public minister of such party whose Subject has so died, and put into the hands of two or three reputable merchants that shall be named by such consul or public minister, to be kept for the heirs, executors, administrators or creditors of the deceased: nor shall any Judicatory whatever intermeddle therein until applied to according to the forms of Law by such heir, executor, administrator or Creditor.

*Article 13<sup>a</sup>*

It shall be lawful and free for the subjects of each Party to employ such advocates, attorneys, notaries, solicitors or factors as they shall think fit: to which end the said advocates and others above mentioned may be appointed by the ordinary Judges, if it be needful, and the Judges be thereunto required.

*Article 14<sup>a</sup>*

Merchants, masters of ships, owners, mariners, men of all kinds, ships and vessels and all merchandizes and goods in general and effects of one of the Confederates or of the Subjects thereof, shall not *on any public or private account by virtue of any general or special edict*, be seized or detained in any of the Countries, lands, islands, cities, towns, ports, havens, shores or dominions whatsoever of the other Confederate for public use, for warlike expeditions, or *for any other cause, much less for the private use of any one, shall they be detained by arrests, compelled by violence or under any Color thereof, or in any wise molested or injured.*

Moreover, it shall be unlawful for the subjects of either party to take any thing or to extort it by force from the subjects of the other party without the consent of the person to whom it belongs and it be paid for with ready money, which however is not to be understood of that detention and seizure which shall be made by the command and authority of Justice and by the ordinary methods on account of debt or crimes in respect whereof the proceedings must be by way of law according to the forms of Justice.

*Article 15<sup>a</sup>*

It is further agreed and concluded that it shall be wholly free for all merchants, commanders of ships and others Subjects of their High Mightinesses the States of the Seven United Provinces of Holland in

all places subject to the dominion and Jurisdiction of the said United States of America to manage their own business themselves or to employ whomsoever they please to manage it for them, nor shall they be obliged to make use of any interpreter or broker, nor to pay any salary or fees unless they chuse to make use of them: Moreover masters of ships, shall not be obliged in loading or unloading their ships to make use of those workmen that may be appointed by public authority for that purpose; but it shall be entirely free for them to load or unload their ships by themselves or to make use of such persons in loading or unloading the same as they shall think fit without paying any fees or salary to any other whomsoever: neither shall they be forced to unload any sort of merchandizes, either into other ships, or to receive them into their own, or to wait for their being loaded longer than they please, and all and every the subjecte, people and Inhabitants of the said United States of America shall reciprocally have and enjoy the same privileges and liberties in all places whatsoever subject to the dominion and Jurisdiction of their High Mightinesses the Seven United Provinces of Holland.

*Article 16<sup>a</sup>*

A dispute arising between any commander of the ships on either side and his seamen in any Port of the other Party concerning Wages due to the said seamen, or other civil causes, the magistrate of the place shall require no more from the person accused than that he give to the accuser a declaration in Writing, witnessed by the magistrate, whereby he shall be bound to answer that matter before a Competent Judge in his own Country; which being done it shall not be lawful for the seamen to desert the ship or to hinder the Commander from prosecuting his voyage. It moreover shall be lawful for the merchants on both sides, in the places of their abode or elsewhere to keep books of their accounts and affairs in any language or manner and on any paper they shall think fit, and to have an intercourse of letters in such language or idiom as they shall please without any search or molestation whatever: but if it should happen to be necessary for them to produce their books of accounts for deciding any dispute or controversy, in such case they shall bring into court the entire books or writings, but so as that the Judge, or any other person may not have liberty to inspect any other articles in the said books, than such as shall be necessary to verify and authenticate the matter in question,

or such as shall be necessary to give credit to the said books: neither shall it be lawful, under any pretence to take the said books or writings forcibly out of the hands of the owners, or to retain them, the case of bankruptcy only excepted.

*Article 17<sup>a</sup>*

The merchant ships of either of the parties which shall be making into a port of the other party, and concerning whose voyage and the species of goods on board her, there shall be any just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the Ports and havens not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

*Article 18<sup>a</sup>*

If by exhibiting the above said certificates mentioning the particulars of the things on board, the other party should discover there are any of those sorts of goods which are prohibited and declared contraband by this Treaty, and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship or to open any chest, coffer, pack, cask or any other vessel or package found therein, or to remove the smallest parcel of the goods whether such ship belongs to the Subjects of their High Mightinesses the States of the Seven United Provinces of Holland, or to the Subjects or inhabitants of the said United States of America, unless the Loading be brought on shore in presence of the officers of the Court of Admiralty, and an Inventory thereof made: but there shall be no allowance to sell, exchange or alienate the same in any manner, untill after that due and lawful process shall have been had against such prohibited goods, and the Court of Admiralty respectively shall by a sentence pronounced have confiscated the same; saving always as well the ship itself as any other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated as lawful prize: but if not the whole cargo, but only part thereof shall consist of prohibited or Contraband goods, and the Commander of the ship shall be ready and willing to deliver them to the Captor who has discovered them, in such case the Captor having received those goods shall forthwith discharge the ship, and not

hinder her by any means from freely prosecuting the voyage on which she was bound; but in case the Contraband merchandize cannot be all received on Board the vessel of the Captor, then the Captor may, notwithstanding the offer of delivering him the Contraband goods, carry the vessel into the nearest port agreeable to what is above directed.

*Article 19<sup>a</sup>*

On the Contrary it is agreed that whatever shall be found to be laden by the Subjects, people or inhabitants of either party on any ship belonging to the Enemy of the other or to their Subjects, the whole, altho' it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the Enemy himself, except such goods and merchandizes as were put on board the ships before the declaration of War, or even after such declaration; if it so be that it was done without knowledge of such declaration, so that the goods of the Subjects and people of either party, whether they be of the nature of such as are prohibited or otherwise, which as aforesaid were put on board any ship belonging to an Enemy before the War or after the declaration of the same without knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored, without delay to the proprietors demanding the same; but so as that if the said merchandizes be Contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the Enemy.

The two Contracting parties agree, that the term of six months being elapsed after the declaration of War, their respective Subjects, people and inhabitants, from whatever part of the World they Come shall not plead the ignorance mentioned in this article.

*Article 20<sup>a</sup>*

And that more effectual care may be taken for the security of the Subjects and people of either party that they do not suffer any injury by the Men of War or Privateers of the other party, all the Commanders of the Ships of War and the armed vessels of the said States of the Seven United Provinces of Holland and of the said United States of America, and all their Subjects and people, shall be forbid doing any injury or damage to the other side: and if they act to the Contrary, they shall be punished and shall moreover be bound to make satisfaction for all matter of damage and the Interest thereof by reparation, under the pain and obligation of their person and goods.

*Article 21<sup>a</sup>*

All ships and Merchandizes of whatever nature soever which shall be restored out of the hands of pirates or robbers on the High Seas, shall be brought into some port of one or the other party, and shall be delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor as soon as due and sufficient proof shall be made concerning the property thereof.

*Article 22<sup>a</sup>*

It shall be lawful for the Ships of War, Privateers or armed vessels of either party freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other Judges, nor shall such prizes be arrested or seized when they come to and enter the ports of either party, nor shall the searchers or other officers of those places search the same or make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the place expressed in their Commissions, which the Commanders of such Ships of War, Privateers or armed vessels shall be obliged to shew. On the Contrary no shelter nor refuge shall be given in their ports to such as shall have made prize of the Subjects, people or property of either of the parties; but if such shall come in being forced by stress of weather, or the danger of the seas, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

*Article 23<sup>a</sup>*

If any ships or vessels belonging to either of the parties, their Subjects or people shall within the Coasts or dominions of the other, stick upon the sands or be wrecked or suffer any other damage, all friendly assistance and Relief shall be given to the persons shipwrecked or such as shall be in danger thereof: and letters of safe conduct shall likewise be given to them for their free and quiet passage from thence and the return of every one to his own Country.

*Article 24<sup>a</sup>*

In case the Subjects or people of either party with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of Pirates, or enemies or any

other urgent necessity for seeking of shelter and harbor to retreat and enter into any of the rivers, Creeks, bays, havens, roads, ports or shores belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves at reasonable rates with victuals and all things needful for the sustenance of their persons or reparation of their ships and conveniency of their voyage, and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please without any let or hindrance.

*Article 25<sup>a</sup>*

For the better promoting of Commerce on both sides it is agreed, that if a War should ever happen to break out between the said contracting parties six months after the proclamation of War, shall be allowed to the merchants, Subjects and people on either side in the Countries, cities and towns where they may happen to reside, in which time they themselves, may retire together with all their families, goods merchandizes and effects and carry them withersoever they shall please as likewise at the same time the selling and disposing of their goods, both moveable and immovable shall be allowed them freely and without any disturbance; and in the mean time their goods, effects, wares and merchandizes, and particularly their persons shall not be detained or troubled by arrest or seizure, but rather in the mean time the Subjects and people on each side shall have and enjoy good and speedy Justice, so that during the said space of six months, they may be able to recover their goods and effects entrusted as well to the public as to private persons; and if any thing be taken from them or any injury be done by either party or the people or Subjects on either side, full satisfaction shall be made for the same by the party committing such Injury or doing such damage.

*rticle 26<sup>a</sup>*

No Subjects of their High Mightinesses the States of the Seven United Provinces of Holland shall apply for or take any Commission or letter of marque for arming any ship or ships to act as privateers against the said United States of America or any of them or against the property of any of them, from any prince or State with which the said United States of America shall happen to be at War: and if any person of either nation shall take such commission or letter of marque he shall be punished as a pirate.

*Article 27<sup>th</sup>*

It shall not be lawful for any foreign privateers not belonging to the Subjects of their high Mightinesses the State of the Seven United Provinces, nor to the citizens of the said United States of America which have commissions, from any other prince or State in enmity with either of the Contracting parties, to fit their ships in the ports of either the one or the other of the aforesaid Parties, to sell what they have taken, or in any other manner whatsoever, to exchange their ships, merchandizes or any other lading; neither shall they be allowed even to purchase victuals except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

*Article 28<sup>th</sup>*

It shall be lawful for all and singular the Subjects of their High Mightinesses the States of the Seven United Provinces of Holland, and the Citizens, people and Inhabitants of the said United States of America to sail with their ships with all manner and liberty and security: no distinction being made who are the proprietors of the merchandize laden therein from any port to the places of those who now are or hereafter shall be at enmity with the said States of the Seven United Provinces of Holland or the said United States of America. It shall also be lawful for the Subjects and Citizens aforesaid to sail with the ships and merchandizes aforementioned, and to trade with the same Liberty and Security from the places, ports and havens of those who are enemies of either party, without any opposition or disturbance whatsoever not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the Jurisdiction of one and the same power or under several. And it is hereby stipulated that free ships shall also give a freedom to goods and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the Subjects of either of the Confederates, although the whole lading or any part thereof should appertain to the enemies of either, Contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party they are not to be taken out of that free ship unless they are Soldiers and in actual service of the Enemies.

*Article 29<sup>a</sup>*

This Liberty of Navigation and Commerce shall extend to all kinds of merchandizes excepting those only which are distinguished by the name of Contraband or prohibited goods: and under this name of Contraband or prohibited goods shall be comprehended arms, great guns, bombs with their fusees, and other things belonging to them, fire-balls, gunpowder, match, cannon-ball, pikes, swords, lances, spears, halberts, mortars, petards, granades, salt-petre, muskets, musket ball, helmets, head pieces, breast-plates, coats of mail, and the like kinds of arms proper for arming soldiers musket-rests, belts, horses, with their furniture and all other war-like instruments whatever. These merchandizes which follow shall not be reckoned among Contraband or prohibited goods; that is to say, all sorts of Cloths, and all other manufactures made of Wool, flax, hemp, silk, cotton or any other materials whatever. All kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver as well coined as uncoined, tin, iron, lead, Copper, brass, as also wheat and barley, and every other kind of Corn and pulse, tobacco, and likewise, all manner of spices, salted and smoaked flesh, salted fish, Cheese and butter, beer, oils, wines, cyder, sugars, syrups and all sorts of salt, and in general all provisions which serve to the nourishment of mankind and the sustenance of life; furthermore all kinds of Cotton, hemp, flax, tar, pitch, turpentine, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, also ship masts, planks, boards and beams of what trees so ever—and all other things proper either for building or repairing ships, and all other goods whatsoever which have not been worked into the form of any instrument or thing prepared for War by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods; as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of Contraband goods, so that they may be transported and Carried in the freeest manner, by the Subjects and Citizens of both Confederates even to places belonging to an Enemy, such towns or places being only excepted as are at that time besieged, blocked up or invested.

*Article 30<sup>a</sup>*

To the end that all manner of dissention and quarrels may be avoided and prevented on both sides, it is agreed that in case either of the

parties hereto, should be engaged in war, the ships and vessels belonging to the Subjects or Citizens of the other ally must be furnished with Sea Letters or passports expressing the name, property and bulk of the ship or vessel, as also the name, place, or habitation of the master or Commander of the said ship or vessel, that it may appear thereby, that the ship really and truly belongs to the Subjects or Citizens of one of the parties: which passport shall be made out and granted according to the form annexed to this Treaty. They shall likewise be recalled every year, that is, if the ship or vessel happens to return home within the space of a year. It is likewise agreed that such ships or vessels being laden, are to be provided, not only with passports as above mentioned, but also with certificates containing the several particulars of the Cargo, the place from whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or Contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship or vessel set sail in the accustomed form. And if any one shall think it fit or advisable to express in the said certificates the persons to whom the goods on board belong, he may freely do so.

*Article 31<sup>a</sup>*

The ships or vessels of the Subjects or Citizens of either of the parties coming upon any Coasts belonging to either of the said Confederates, but not willing to enter into port, or being entered into port and not willing to unload their Cargoes or break bulk, shall not be obliged to give an account of their lading unless they should be suspected on some manifest tokens of Carrying to the enemy of the other ally any prohibited goods called Contraband: and in Case of such manifest suspicion, the said Subjects and Citizens of either of the Parties shall be obliged to exhibit in the ports their passports and Certificates in the manner before specified.

*Article 32<sup>a</sup>*

If the ships or vessels of the said Subjects or people of either of the parties, shall be met with sailing along the coasts or on the high seas by any Ship of War, privateer or armed vessel of the other party, the said Ships of War, privateers or armed vessels, for the avoiding of any disorder, shall remain out of Cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with and may enter her to the number of two or three men only to whom the master

or Commander of such ship or vessel shall exhibit her passport concerning the property of the ship or vessel, made out according to the form annexed to this present treaty; and the ship or vessel, after such passport has been shewn shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her, in any manner, to give her chase, or to force her to quit her intended course.

*Article 33<sup>a</sup>*

It is also agreed that all goods when once put on board the ships or vessels of either party shall not be subject to any further visitation: but all visitation or search shall be made beforehand, and all prohibited goods shall be stop'd on the spot before the same be put on board the ships or vessels of the respective parties, their Subjects or people; nor shall the persons or goods of the Subjects or people of their said High Mightinesses the States of the Seven United Provinces of Holland or the said United States of America, be put under any arrest or molested by any other kind of Embargo for that cause; but only the Subject of that power by which the said goods have been or shall be exhibited, who shall have presumed to sell or alienate such sort of goods may be duly punished for the offence according to the laws, customs, or ordinances of his own country.

*Article 34<sup>b</sup>*

The two Contracting parties grant to each other mutually the liberty of having, each in the ports of the other, consuls, Vice-consuls, Agents, and Commissaries of their own appointing whose functions shall be regulated by particular agreement, whenever either party chuses to make such appointment.

*Form of the passport to be given to ships or vessels conformable to the  
30<sup>th</sup> Article of this treaty*

To all who shall see these presents: Greeting,  
 Be it known that leave and permission are hereby given to        master and commander of the ship or vessel called        of the of burden        tons or thereabouts, lying at present in the port or haven of       , bound for       , and laden with       , to depart and proceed with his ship or vessel, having been visited, and the said master and Commander having made oath before the proper officer that the said ship or vessel belongs to one (or more) of the Subjects, people, or Inhabitants of       , and to him (or them) only.

In Witness whereof we have subscribed our names to these Presents, and affixed the seal of our Arms thereto, and Caused the same to be Countersigned by , at , this day of , in the year of our Lord Christ .

*Form of the Certificate to be given to ships or vessels conformable to the 30<sup>th</sup> Article of this Treaty.*

We Magistrates (or officers of the customs) of the port or haven of do certify and attest that on the day of in the year of our Lord , C. D. of personally appeared before us and declared by solemn oath that the ship or vessel called of tons or thereabouts; whereof of is at present master and Commander, does rightfully and properly belong to him (or to him and Subject (or Subjects) of ) and to him (or them) only: That she is now bound from the port or haven of to the port of laden with goods and merchandizes hereunder particularly described and enumerated as follows.

In Witness whereof we have signed this certificate and sealed it with the seal of our office this day of in the year of our Lord Christ .

This is a rough plan of a treaty of Commerce, which in consequence of the appointment and instructions of the Honorable Mr. Engelbert Francis Van Berkel, Counsellor Pensionary of the City of Amsterdam, to me, John De Neufville, citizen of the said City of Amsterdam, I have perused, considered and settled with William Lee, Esquire, Commissioner of Congress, as a proper treaty of Commerce to be entered into between their High Mightinesses the States of the Seven United Provinces of Holland and the United States of North America.

This done at Aix la Chapelle the 4<sup>th</sup> of September, 1778.

(Signed) JOHN DE NEUFVILLE.

A true Copy

Certified by me

SAM<sup>W</sup>. STOCKTON *Secretary.*<sup>1</sup>

*Ordered,* That the same be referred to the committee on the letters lately received from A. Lee.

<sup>1</sup>This paper is in the *Papers of the Continental Congress*, No. 47, folio 175.

In pursuance of the powers in him vested, Mr. [Thomas] McKean, a delegate of the State of Delaware, signed and ratified the Articles of Confederation in behalf of that State.

The Committee of Commerce communicated to Congress a letter from W. Bingham, by which it appears that he has shipped on board the *Revenge*, cutter, 50 chests of arms:

*Ordered*, That the Board of War give directions to have the arms which are arrived in the *Revenge*, cutter, Captain Cunningham, examined and send by the safest and most speedy conveyance to South Carolina such of them as are fit for service.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 23, 1779

The delegate of Delaware [Thomas McKean] laid before Congress sundry resolutions passed by the council of that State, January 23, 1779, respecting the articles of confederation and perpetual union, and concurred in by the house of assembly, January 28, 1779, previous to their passing a law to empower their delegates to sign and ratify the said articles of confederation and perpetual union.<sup>1</sup>

On which it was moved, that the same be filed: to which it was moved in amendment to add "provided that it shall never be considered as admitting any claim by the same set up or intended to be set up."

On this amendment the yeas and nays being required by Mr. [William] Ellery,

<sup>1</sup>These resolutions are in the *Papers of the Continental Congress*, No. 70, folio 699.

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple, Frost,	ay ay	Mr. Clingan, Atlee, Shippen, Searle,	ay no ay ay
<i>Massachusetts Bay,</i>		<i>Delaware,</i>	
Mr. S. Adams, Lovell, Holten,	ay ay ay	Mr. M'Kean,	no ; no
<i>Rhode Island,</i>		<i>Maryland,</i>	
Mr. Ellery, Collins,	ay ay	Mr. Paca, Henry,	no no
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Root,	ay ; *	Mr. T. Adams, F. L. Lee, M. Smith, Griffin, R. H. Lee, Nelson,	ay ay ay ay ay
<i>New York,</i>		<i>North Carolina,</i>	
Mr. Jay, Morris, Floyd, Lewis,	ay no ay ay	Mr. Penn, Burke,	ay ay
<i>New Jersey,</i>		<i>South Carolina,</i>	
Mr. Witherspoon, Frelinghuysen,	no no	Mr. Drayton,	ay ; ay

So it passed in the affirmative.

On the question, *Resolved*, That the paper laid before Congress by the delegate from Delaware and read, be filed; provided that it shall never be considered as admitting any claim by the same set up or intended to be set up.

A letter, of 20, from T. Johnson, governor of Maryland;<sup>1</sup>

And one, of 31 January, from Pierre Regnier de Roussi, lieutenant colonel 4 New York regiment, were read:

*Ordered*, That they be referred to the Board of War.

A letter from S. Deane was read:<sup>2</sup>

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 70, folio 313.

<sup>2</sup>This letter, dated February 22, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 57.

*Ordered*, That it be referred to the committee of thirteen on foreign affairs, and that the said committee be empowered to send for persons and papers.

A memorial from Colonel Malmedi was read, enclosing a testimonial in his favour by General Washington:

*Ordered*, That it be referred to the Board of War.

A letter, of 4, from W. Greene, governor of Rhode Island, &c. was read.<sup>1</sup>

The Committee on the Treasury brought in a report: Whereupon,

*Resolved*, That the following persons, nominated by the Board of Treasury, be appointed signers of bills of credit of the United States, namely, Nathaniel Donnell, Robert Roberts, son of John Roberts, surveyor, Jedediah Snowden, Samuel Lyon, Joseph Carleton, Joshua Coit, John Nicholson, ~~William Ramsey~~, Cornelius Comegys, Moses Young, Belcher Peartree Smith, George Bond, Thomas Edison, William Gamble, Joseph Watkins, Isaac Gray, Lodowick Sprogell, Robert Mullen, John Lawrence, John Leacock, Samuel Wetherill, Jun. Joseph Kerr, Luson Simmons, ~~William~~ Stretch, Thomas Nevill, Paul Cox, James Dundas and Robert Cather.<sup>2</sup>

Congress resumed the consideration [of the report] of the Board of War of 22 January; Whereupon,

AT A BOARD OF WAR, January 22<sup>nd</sup>, 1779.

Present, M<sup>r</sup>. Root, M<sup>r</sup>. Pickering, and M<sup>r</sup>. Peters.

The Board have taken into consideration the memorial of Monsieur De Mauleon referred to them by Congress, and beg leave to report:

That they know of no way of providing for Captain Mauleon but by promoting him to the majority of General Pulaski's legion, which place they have no doubt of his filling with much reputation, as he is recommended to the Board and appears to be an Officer of great merit.

<sup>1</sup>Malmedy's memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 117; the letter of Greene, in 64, folio 424.

<sup>2</sup>This report, dated February 23, is in the *Papers of the Continental Congress*, No. 136, III, folio 115.

But General Pulaski has made choice of a Monsieur Verney, who is also an Officer of merit, and (both having come over with the Marquis de Brittannie) are in similar circumstances as to their sufferings by imprisonment with the enemy; but Monsieur Verney's expences are borne by the marquis, and Monsieur De Mauleon came over at his own expence, which with the losses he has sustained amount to a considerable sum. The Board would choose to recommend Mon<sup>r</sup> De Mauleon. General Pulaski is desirous of having Monsieur Verney. Therefore the matter is stated specially for Congress to determine. They beg leave to submit the following imperfect resolve, that Congress may direct the filling it up with the name most agreeable to them.

That Monsr. \_\_\_\_\_ be appointed major in General Pulaski's Legion, to take rank as such from the time of Major Montfort's resignation.

If Congress appoint Monsieur de Mauleon, there will be no necessity for the following resolution; but if not,

*Resolved*, That Monsieur de Mauleon (who came over at his own expence to serve in America, and being captivated by the enemy, suffered great losses, and also underwent great Hardships) be allowed the sum of \_\_\_\_\_, as a compensation for his losses and to enable him to return to Europe, as no employment can be given him in the service of these States.<sup>1</sup>

*Resolved*, That Mons. Verne be appointed major in Brigadier General Pulaski's legion.

The committee to whom were referred the letters from A. Lee, Esq. and the communications of the Minister Plenipotentiary of France, in his memorial of the 9th and in the private audience on the 15, brought in a report, which was read:

That upon consideration of all the matters referred to your committee, they are of opinion, that his Catholick Majesty is disposed to enter into an alliance with the United States of America.

That he hath manifested this disposition in a decisive declaration lately made to the court of Great Britain.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 17.

That in consequence of such declaration the independence of these United States must be finally acknowledged by Great Britain; and immediately thereon a negotiation for peace will be set on foot between the powers of France, Great Britain, and these United States, under the mediation of his Catholick Majesty: Or,

That Spain will take part in the war, and his Catholick Majesty will unite his force with the most Christian King and the United States.

That in the event of a negotiation for peace, your committee, pursuant to the declaration of Congress, that they would not make, nor even treat of peace, until the independence of these United States should be acknowledged, or all the forces of their enemy withdrawn, pursuant to the guarantee of his most Christian Majesty by the treaty of alliance eventual and defensive, made and subsisting between him and these United States, ~~and pursuant to the rights of these United States as sovereign and independent—~~ they assume it, first, as a ground and preliminary, that, previous to any treaty, or negotiation for peace, the liberty, sovereignty, and independence, absolute and unlimited, of these United States, [as well in matters of government as of commerce,]<sup>1</sup> shall be acknowledged on the part of Great Britain. And if the same shall be done, your committee are of opinion that the ministers of these United States ought, on the part of the said states, to assist at, and contract and stipulate in such negotiation for peace as may be set on foot under the mediation of his Catholick Majesty.

That in order to be in readiness for such event, the said ministers ought to be instructed by Congress in the several following particulars, to wit:

<sup>1</sup> Words in brackets were inserted by John Jay.

1. What to insist on as the ultimatum of these states; and,
2. What to yield, or require, on terms of mutual exchange or compensation.

On the first head your committee are of opinion, that the following articles are absolutely necessary for the safety and independence of the United States, and therefore ought to be insisted on as the ultimatum of these states:

1. That the bounds of the United States be acknowledged and ratified as follows:

Northerly by the ancient limits of Canada, as contended for by Great Britain, running from Nova Scotia, south-westerly, west, and north-westerly, to lake Nepissing, thence a west line to the Mississippi;<sup>1</sup> easterly by the boundary settled between Massachusetts and Nova Scotia; southerly by the boundary settled between Georgia and East and West Florida; and westerly by the river Mississippi.<sup>2</sup>

2. That every post and place within the United States, and every island, harbour, and road, to them,

*Agreed* or any of them, belonging, be absolutely evacuated by the land and sea forces of his

Britannick Majesty, and yielded to the powers of the states to which they respectively belong.

3. That a right of fishing and curing fish on the banks and coasts of the island of Newfoundland, equally with the subjects of France and Great Britain, be reserved, acknowledged, and ratified to the subjects of the United States.<sup>3</sup>

<sup>1</sup>In the original report Thomson wrote over this phrase the alternative: "to the western boundary of the United States."

<sup>2</sup>Against this paragraph is written: "Amend<sup>d</sup> to the whole, postponed."

<sup>3</sup>Against this paragraph is written: "Proposed amend<sup>d</sup> to the whole."

4. That the navigation of the river Mississippi, as low down as the southern boundary of the

*Agreed* United States, be acknowledged and ratified absolutely free to the subjects of the

United States.

5. That free commerce be allowed to the subjects of the United States with some port or

*Rejected* ports below the southern boundary of the said states, on the river Mississippi, except

for such articles as may be particularly enumerated; and,

6. In case the allies of these United States will agree to support them in such claim, by

*Rejected* continuing hostilities, then to insist that Nova Scotia and its dependencies be ceded

to the United States, or declared independent.

On the second head, your committee are of opinion,

1. That the claim to Nova Scotia ought to be given up in lieu of the equal share in

*Rejected* the Newfoundland fishery, or such share of the fishery in lieu of Nova Scotia, if both cannot be obtained.

2. That in case neither of these can be obtained in lieu of the other, then, if the Bermuda

*Rejected* Islands can be obtained, the claim to Nova Scotia be ceded in lieu thereof.

3. That it may be stipulated, that the subjects of the United States shall not trade to

*Agreed* the East Indies, or engage in the slave trade, if adequate compensation therefore can be obtained.

4. That the United States will not establish any settlement, or dominion, beyond the

*Agreed* limits of the said states, as settled at the conclusion of the treaty of peace.

5. That if Great Britain shall cede the Floridas to the United States, the same may be ceded *Agreed* to the crown of Spain for an adequate compensation; and

6. A reciprocal guarantee of all American possessions which shall remain to the respective *Agreed* powers at the conclusion of the treaty of peace.

Your committee are further of opinion, that no truce ought to be agreed to on the part of the United States. That a cessation of hostilities, during the negotiation, may be admitted, in case all the force of the enemy shall be withdrawn from every *Agreed* post and place within the limits of the United States. That no exclusive privilege of commerce be allowed to Great Britain with the United States. And that all claims, not in the instructions mentioned, may be ceded, exchanged, or retained, as the circumstances of the negotiation may require.

In the event of a continuance of the war, and an alliance with Spain, your committee are *Agreed* of opinion that a subsidy should, if possible, be obtained from the court of Madrid on the following stipulations:

That his Catholick Majesty shall pay to the United States in such convenient manner as shall be agreed on a sum not less than *Agreed* and the farther sum of yearly, during the continuance of the war between the United States and Great Britain, and for a term not less than years, after the determination thereof; or, if that cannot be obtained, then a sum not less than yearly, during the term aforesaid.

That, in consideration thereof, the United States shall hold in readiness a well appointed force, not exceeding six thousand effective infantry, with all camp and marching requisites, with suitable arms, artillery, and other equipments for war, to be employed in conquering the Floridas.

That the said countries, when conquered, shall be ceded and guarantied to his Catholick Majesty and the possession and sovereignty thereof forever guaranteed by the United States; reserving always the

free navigation of the river Mississippi to  
*Agreed* the subjects of the United States, as well  
as to the subjects of his Catholick Majesty, if possible, in the fullest extent of egress and ingress. But, if this cannot be obtained, then that a port be reserved for the delivery and sale, purchase and lading of all commodities, excepting such articles as shall be particularly enumerated.

Your committee are also of opinion, that the ministers of these United States should be instructed and empowered to stipulate and contract for the delivery of masts for the royal navy of Spain at some convenient port or ports of the United States.<sup>1</sup>

The above report being read,

*Ordered*, To lie on the table for the consideration of the members, and that it be taken up on Thursday next.

*Resolved*, That on Thursday next Congress be resolved into a Committee of the Whole to take into consideration the foregoing report.

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup>This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 71. It was inscribed only in the manuscript Secret Journal, Foreign Affairs.

WEDNESDAY, FEBRUARY 24, 1779

A letter, of 7th November, 1778, from Benjamin Franklin, A. Lee, and J. Adams, commissioners of the United States at Paris, was read,<sup>1</sup> enclosing copies of letters that passed between the said commissioners and Mons. de Sartine, minister of the marine in France, relative to the recapture of a French vessel by the *General Mifflin* privateer, Captain Daniel M'Neil; copies of letters between them, the said commissioners, and Mons. Count de Vergennes, relative to a negotiation to be made with the Barbary states; and also, copy of a letter from the ambassador of Naples, to the commissioners, informing, that the king his master has opened his ports to the flag of the United States of America, and desiring at these times when the sea is covered with the privateers of different nations, and also with pirates, to know the colours of the flag and the form of the sea-papers; together with a copy of the commissioners' answer:

*Ordered*, That so much of the said letter and papers enclosed as relates to the re-capture of the French vessel by Captain M'Neil, be referred to the Committee on Appeals.

*Ordered*, That the Marine Committee be directed to deliver to the court of appeals the report of the sub-committee appointed by them to revise the articles respecting the legality of captures, &c.

*Ordered*, That the papers relative to a negotiation with the states of Barbary, be referred to a committee of three:

The members chosen, Mr. [William] Carmichael, Mr. [Thomas] Nelson, and Mr. [Thomas] Burke.

<sup>1</sup>This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), II, 830.

*Ordered*, That the letter from the minister of Naples, and the commissioners' answer, be referred to the Marine Committee, and that the committee be instructed to report forms of proper commissions, ship papers, and the like, with the means of authenticating them, and of notifying the same to the several powers who shall be disposed to open their ports to the subjects of the United States.

On the instruction, the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. M'Kean,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no }	Mr. Plater,	no
Gerry,	ay } no	Paca,	no }
Holten,	no }	Carmichael,	no }
<i>Rhode Island,</i>		Henry,	no }
Mr. Ellery,	ay }	<i>Virginia,</i>	
Collins,	ay }	Mr. T. Adams,	no
<i>Connecticut,</i>		F. L. Lee,	ay
Mr. Dyer,	ay }	M. Smith,	ay
Root,	ay }	R. H. Lee,	excus. ay
<i>New York,</i>		Griffin,	no
Mr. Jay,	ay }	Nelson,	ay
G. Morris,	ay }	<i>North Carolina.</i>	
Floyd,	ay }	Mr. Penn,	ay
Lewis,	ay }	Hill,	no }
<i>New Jersey,</i>		Burke,	no }
Mr. Witherspoon,	ay }	<i>South Carolina,</i>	
Frelinghuysen,	ay }	Mr. Drayton,	no }
Fell,	ay }	Hutson,	no }
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Clingan,	ay }	Mr. Langworthy,	no } no
Shippen,	ay }		
Atlee,	ay }		
Searle,	ay }		

So it was resolved in the affirmative.

*Ordered*, That 47 receipts enclosed in the commissioners' letter, for money advanced by them, be referred to the Board of Treasury, and that they be directed to transmit to the Marine Committee and Committee of Commerce, such of them as may belong to those respective boards.

Mr. M[eriwether] Smith, a member of the Marine Committee for the State of Virginia, desiring to be excused from that service,

*Resolved*, That he be excused.

Congress proceeded to the election of members for the Marine Committee: Mr. R[ichard] H[enry] Lee was elected for the State of Virginia; Mr. [John] Fell, for the State of New Jersey; and Mr. [James] Searle, for the State of Pennsylvania.

*Resolved*, That a member be elected for the Board of Treasury:

The member chosen, Mr. [Frederick] Frelinghuysen.

*Resolved*, That a member be added to the Committee of 13 on foreign affairs for Connecticut, in the room of Mr. [Oliver] Ellsworth:

The member chosen, Mr. [Eliphalet] Dyer.

A letter, of 31 January, from Colonel Hartley, president, and others, members of a court martial, recommending to mercy a certain Patrick Roach, a soldier of Colonel Hartley's regiment, condemned by the said court to suffer death for the crime of desertion:<sup>1</sup>

*Resolved*, That the said Patrick Roach be pardoned.

Congress took into consideration the letter of 29 January, from the supreme executive council of Pennsylvania, and the papers therein enclosed; Whereupon, it was moved,

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 389.

That, in the opinion of Congress, Major Clarkson ought to have attended the executive council upon their request of the 25 January, 1779, unless prevented by his military duties, or some other good and sufficient reason, in which case he ought to have assigned his reasons to the said council.

A motion was made, that the words "unless prevented, &c." to the end, be struck out:

And, on the question, that those words stand as part of the resolution, the yeas and nays being required by Mr. G[ouverneur] Morris,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. M'Kean,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no }	Mr. Paca,	ay } ay
Gerry,	no }	Carmichael,	ay }
Holton,	no }		
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery,	ay } ay	Mr. T. Adams,	ay }
<i>New York,</i>		F. L. Lee,	no }
Mr. Jay,	no }	M. Smith,	no }
G. Morris,	ay } ay	R. H. Lee,	no }
Floyd,	ay }	Griffin,	ay }
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Witherspoon,	no }	Mr. Penn,	ay }
Frelinghuysen,	no }	Burke,	no }
<i>Pennsylvania,</i>		<i>South Carolina,</i>	
Mr. Clingan,	no }	Mr. Drayton,	ay }
Shippen,	no }	Hutson,	no }
Atlee,	no }		
Searle,	no }	<i>Georgia,</i>	
	no }	Mr. Langworthy,	ay } ay

So it passed in the negative, and the words were struck out.

On the question put to agree to the resolution as amended, the yeas and nays being required by Mr. [Thomas] Burke and Mr. [James] Searle,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	ay } ay	Mr. M'Kean,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	ay } ay	Mr. Paca,	ay } div.
Gerry,	ay }	Carmichael,	no }
Holten,	ay }	<i>Virginia,</i>	
<i>Rhode Island,</i>		Mr. T. Adams,	no
Mr. Ellery,	no } no	F. L. Lee,	ay
<i>Connecticut,</i>		M. Smith,	no } no
Mr. Root,	ay } *	R. H. Lee,	ay }
<i>New York,</i>		Griffin,	no }
Mr. Jay,	no }	<i>North Carolina,</i>	
Morris,	no }	Mr. Penn,	no } no
Floyd,	no }	Burke,	no }
Lewis,	no }	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Drayton,	no } div.
Mr. Witherspoon,	ay }	Hutson,	ay }
Frelinghuyseen,	ay }	<i>Georgia,</i>	
Fell,	ay }	Mr. Langworthy,	no } no
<i>Pennsylvania,</i>			
Mr. Clingan,	ay }		
Shippen,	ay }		
Atlee,	ay }		
Searle,	ay }		

A doubt being raised, whether one member can represent and give the vote of the State of Connecticut, the credentials of the delegates of that State, dated 21 October, 1778, were called for and read; and, on the question put,

*Resolved*, That, by the said credentials, not less than two can represent the State of Connecticut in Congress.

So, the states being equally divided, the question was lost.

*Resolved*, That the letter of the 27 January, 1779, from Major M. Clarkson, to the said council, contains indecent and improper expressions, which Congress do highly disapprove of.

*Resolved*, That Congress will not countenance any military officer in disrespectful conduct to the civil magistracy.

*Resolved*, That the farther consideration of the subject be postponed till to morrow.

THURSDAY, FEBRUARY 25, 1779

On motion, Congress proceeded to re-consider the resolution respecting the powers of the delegates of Connecticut; and, on the question, whether a less number than two can represent the State of Connecticut, agreeable to the credentials of the delegates of said State,

The yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple, Frost,	no } no	Mr. Clingan, Shippen, Atlee,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams, Gerry, Holten,	no } no	Mr. Plater, Carmichael, Henry,	no } no
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery, Collins,	no } no	Mr. T. Adams, R. H. Lee, Griffin, Nelson,	no } no
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Dyer, Root,	ay } div. no }	Mr. Penn, Hill, Burke,	no } no
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Jay, Duane, Morris, Floyd, Lewis,	no   no   no   no no   no	Mr. Laurens, Drayton, Hutson,	no } no
<i>New Jersey,</i>		<i>Georgia,</i>	
Mr. Frelinghuysen, Fell,	no } no	Mr. Langworthy,	no } no

So it passed in the negative.

A letter, of 2 October, and one December 6, 1778, from J. Adams, one of the Commissioners at Paris, were read.<sup>1</sup>

A letter, of 25, from T. Mifflin, was read,<sup>2</sup> informing, that he has not heard what resolution Congress have been pleased to make, in consequence of his resignation of his commission of major general in the service of the United States in August last, and requesting Congress to accept his resignation; Whereupon,

*Resolved*, That his resignation be accepted.

A petition and representation of Jeremiah Fogg, quartermaster, in behalf of Colonel Enoch Poor's regiment was read, with an account enclosed:<sup>3</sup>

*Ordered*, That the same be referred to the Board of Treasury, and that they take order thereon.

A petition of John Henderson and Ichabod Holloway was read, earnestly praying for a determination of their cause in cause in the Court of Appeals.<sup>4</sup>

The committee appointed to confer with the Commander in Chief, to whom were referred the instructions from the general assembly of the State of Pennsylvania to their delegates, and other papers respecting the defence of the western frontiers, report,

That they have, according to order, met and conferred with a committee of the said general assembly, on the subject of the said instructions, and received from them a representation of the circumstances of the western frontiers; Whereupon,

<sup>1</sup>These letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), II, 753 and 851.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 161, folio 60.

<sup>3</sup>This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 29. An endorsement, in the writing of Elbridge Gerry, reads: "Considered the 5th of March and postponed for a report of the commissioner of accounts for the northern department, to whom are sent copies of the enclosures."

<sup>4</sup>This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 375.

*Resolved*, That the representation of the circumstances of the western frontiers, communicated by a committee of the general assembly of Pennsylvania, and also copies of the memorials and of the letters from the governors of Connecticut and New York, respecting the depredations on the said frontiers, be transmitted to the Commander in Chief, who is directed to take effectual measures for the protection of the inhabitants, and chastisement of the savages.

*Resolved*, That five companies of rangers be immediately raised on the said western frontiers, to protect the same and annoy the enemy; each company to consist of a captain, two lieutenants, four serjeants, four corporals, a drummer, a fifer, and sixty privates, and that one pay master and one deputy commissary of musters be appointed for the whole of the said corps:

That the supreme executive council of the State of Pennsylvania be authorized to appoint the said officers, and to give the necessary orders for raising and keeping up the said companies to their full complement; and that they be requested, if they deem it necessary, to apply to the legislature for a law to enable them to make draughts from the militia for these purposes:

That the companies shall be raised and inlisted for nine months, unless the service shall sooner admit of their discharge:

That every volunteer, on passing muster, shall receive a bounty of 100 dollars, and be entitled to continental pay and rations, providing himself, at his own expence, with arms and cloathing.<sup>1</sup>

Congress was resolved into a committee of the whole to consider farther the report of the committee, to whom

<sup>1</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 33, folio 293.

was referred the report of the Committee on Appeals, and after some time spent thereon, the President resumed the chair and Mr. F[rancis] L[ightfoot] Lee reported that the committee have had under their farther consideration the report to them referred, and made some progress therein, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That to morrow Congress be resolved into a committee of the whole to consider farther the report of the committee to whom was referred the report of the Committee on Appeals.

Adjourned to 10 oClock to Morrow.

**FRIDAY, FEBRUARY 26, 1779**

Mr. J[ohn] Armstrong, a delegate from Pennsylvania, attended and took his seat in Congress.

A letter, from Major General Lee, was read, explaining the transaction referred to in the unsealed letters from New York, which were ordered to be forwarded to him:

*Resolved*, That his explanation is satisfactory to Congress.

A motion was made that General Lee be informed, that Congress disapprove of his negotiating his bills in New York:

On which the previous question was moved, and the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple, Frost,	ay } div. no }	Mr. Dyer, Root,	ay } ay
<i>Massachusetts Bay,</i>		<i>New York,</i>	
Mr. Lovell, Holten,	ay } * no }	Mr. Jay, Duane,	no } no

<i>New Jersey,</i>			<i>North Carolina,</i>		
Mr. Frelinghuysen,	no	}	Mr. Penn,		no
Fell,	no		Hill,		no
<i>Pennsylvania,</i>			Burke,		ay
Mr. Clingan,	ay		<i>South Carolina,</i>		
J. Armstrong,	no	}	Mr. Laurens,		ay
Atlee,	no		Drayton,		no
Searle,	no		Hutson,		ay
<i>Maryland,</i>			<i>Georgia,</i>		
Mr. Paca,	ay		Mr. Langworthy,		ay
Carmichael,	ay	}			ay
Henry,	ay				
<i>Virginia,</i>					
Mr. T. Adams,	no				
F. L. Lee,	ay				
M. Smith,	no				
R. H. Lee,	ay	}			
Griffin,	no				
Nelson,	no				

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Whipple,	no	}	Mr. Frelinghuysen,		ay
Frost,	ay		Fell,		ay
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Lovell,	ay	*	Mr. Clingan,		no
Holten,	no		J. Armstrong,		ay
<i>Rhode Island,</i>			Atlee,		ay
Mr. Ellery,	ay		Searle,		ay
Collins,	no		<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Paca,		no
Mr. Dyer,	ay		Carmichael,		no
Root,	no		Henry,		no
<i>New York,</i>					
Mr. Jay,	ay				
Duane,	ay				

<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams,	ay	Mr. Laurens,	no
F. L. Lee,	no	Drayton,	ay } no
M. Smith,	ay	Hutson,	no
R. H. Lee,	ay	<i>Georgia,</i>	
Griffin,	ay	Mr. Langworthy,	no } no
Nelson,	ay		
<i>North Carolina,</i>			
Mr. Penn,	ay		
Hill,	ay		
Burke,	no		

So it was resolved in the affirmative.

The Committee on the Treasury brought in a report;  
Whereupon,

*Ordered,* That a warrant issue on the treasurer in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for ten thousand dollars, to enable him to exchange bills of the emissions of May 20, 1777, and April 11, 1778, for officers and soldiers on their march to the camp, that he make returns according to the former order of Congress, and be accountable for the sum aforesaid.

That agreeable to the application of the Medical Committee a warrant issue on the treasurer, in favour of Doctor Jonathan Potts, deputy director general, for one hundred and fifty thousand dollars, for the use of his department, he to be accountable.

That agreeable to the application of this date from the Committee of Commerce, a warrant issue on the treasurer in their favour, for fifty thousand dollars, to pay for blankets, hose, &c. purchased by them for the use of the army and for contingent charges of the office, the said Committee to be accountable.<sup>1</sup>

<sup>1</sup>This report, dated February 24, is in the *Papers of the Continental Congress*, No. 136, III, folio 119. It included also the paragraph on Dr. Joseph Gardner, post.

Whereas it is required by a resolution of Congress of the 2d day of January, last "that bills of the emissions of May 20, 1777, and April the 11, 1778, be crossed and struck through with a circular punch of one inch diameter;" and whereas, much time is required in executing this business, and delays may from thence ensue injurious to the public:

*Resolved*, That that part of the resolution which respects crossing the said bills be dispensed with.<sup>1</sup>

Doctor Joseph Gardner is nominated by the Board of Treasury to be appointed a signer of the bills of credit.

The commissioners report,

PHILAD<sup>A</sup>. Feby 24<sup>th</sup> 1779.

That they have examined the accounts of Captain Daniel Topham, and find that he has received of the following persons viz: of Daniel Roberdeau Esqr. one hundred and Six and 60/90

Dollars	106	60/90
Lieut George Guiger Sixty Dollars	60	
Col <sup>o</sup> John Davies One hundred Dollars	100	
Major Robert Cluggage two hundred Dollars	200	
<hr/>		
Making in all four hundred and Sixty six and 60/90 Dollars	466	60/90
<hr/>		

And that he has expended on a journey from Philadelphia to the Lead Mines, in Sinking Spring Valley Bedford County, and back; from thence to Lancaster with British Prisoners, and to Philadelphia again, Four hundred and fifty six and 40/90 dollars

456 $\frac{4}{9}$

Which left a balance in his hands of Ten and 20/90 Dollars, which he has this day paid to Major Cluggage in part of the money received of him, for which said Cluggage gives credit in his account herewith Reported

10 $\frac{2}{3}$

---

466 60/90

That there is due to Major Robert Cluggage for cash advanced to Captain Daniel Topham, Michael Skely, and

<sup>1</sup> This report, dated February 25, is in the *Papers of the Continental Congress*, No. 136, III, folio 121.

some contingent expences, a ballance of two hundred and thirty four dollars and 50/90.

That there is due to William Hurrie, his account paid for sawing and piling 22 cords of wood for the use of Congress, eighty three dollars.<sup>1</sup>

*Ordered*, That the said accounts be paid.

The committee to whom was re-committed the report of the committee on an application from the State of Massachusetts bay, &c. respecting a supply of provisions, brought in a report; Whereupon, Congress came to the following resolutions:

Whereas it is represented to Congress, that the inhabitants of the states of Massachusetts bay, and Rhode Island and Providence Plantations, are distressed for want of bread, and cannot obtain supplies except from Maryland, Virginia, North Carolina and South Carolina: and, whereas, a private trade for grain and flour between the said states might be injurious and ineffectual:

*Resolved*, That it be recommended to the executive powers of Maryland, Virginia, North Carolina and South Carolina, at their discretion, to permit the executive powers of Massachusetts bay, and Rhode Island and Providence Plantations, to purchase and export, under proper regulations, such quantities of grain or flour as they may judge expedient, and may be able to spare respectively.

A motion having been made to strike out the word "North Carolina;" and on the question that it stand part of the report, the yeas and nays being required by Mr. [Thomas] Burke,

<sup>1</sup> This report, dated February 24 and signed by B. Smith and William Geddes, is in the *Papers of the Continental Congress*, No. 136, III, folio 117.

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple, Frost,	ay } ay	Mr. Carmichael, Henry,	ay } ay
<i>Massachusetts Bay,</i>		<i>Virginia,</i>	
Mr. Lovell, Holten,	ay } *	Mr. T. Adams, F. L. Lee,	ay
<i>Rhode Island,</i>		M. Smith, R. H. Lee,	ay } ay
Mr. Ellery, Collins,	ay } ay	Griffin, Nelson,	ay
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Dyer, Root,	ay } ay	Mr. Penn, Hill,	ay } no
<i>New York,</i>		Burke,	no }
Mr. Jay, Duane,	ay } ay	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Laurens, Drayton,	ay } ay
Mr. Frelinghuysen, Fell,	ay } ay	Hutson,	ay
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Clingan, Shippen, Armstrong, Atlee,	ay ay } ay ay } ay	Mr. Langworthy,	ay } ay

So it was resolved in the affirmative.

*Resolved*, That it be recommended to the governor of the State of Maryland to permit the schooner *Hanna*, Joseph Malcolm, master, to load in said State with flour and bar iron, it appearing to Congress that the said vessel was fitted out by the board of war of Massachusetts bay for the purpose of supplying the public magazines in the said State.

*Ordered*, That the Secretary prepare a roll of the members of Congress and call the same over every morning at 10 oClock.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 27, 1779

A letter, of 24, from General Washington, was read, enclosing a letter from Brigadier Glover, and one from Colonel [Edward] Wigglesworth, praying for leave to resign their respective commissions.<sup>1</sup>

Whereas the State of Maryland have granted to the officers of their troops a gratuity to enable them to equip themselves for the field the ensuing campaign; and whereas a considerable quantity of the money so granted is of the emissions of May 20, 1777, and April 11, 1778:

*Resolved*, That the Board of Treasury be empowered to exchange a sum not exceeding 40,000 dollars of the money now in the hands of Brigadier General Smallwood, advanced by the State of Maryland to their commissioned officers.

*Ordered*, That the letter from Colonel Wigglesworth be referred to the delegates of Massachusetts Bay.

*Resolved*, That Congress, sensible of Brigadier General Glover's past merit, and in expectation of his future services, direct the Commander in Chief to indulge him with a furlough for such time as may be necessary to settle his private affairs.

A letter, of this day, from Major General Lee was read;<sup>2</sup> Whereupon a motion was made,

That the Board of Treasury be directed to advance to General Lee three hundred pounds sterling in gold and silver, the sum he requests in his letter, and take his bills therefor:

<sup>1</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 115; that of Glover is on folio 131; and that of Wigglesworth is in No. 78, XXIV, folio 11.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 158, folio 133.

*Ordered*, That the same be referred to the Board of Treasury, and that they take order thereon.

A memorial from Robert Temple, and a letter, of 20th, from N. Greene, quarter master general, were read:<sup>1</sup>

*Ordered*, That the memorial be referred to a committee of three:

The members chosen, Mr. [William] Floyd, Mr. [William] Ellery, and Mr. [Thomas] Burke.

Congress resolved itself into a Committee of the Whole to consider the report of the committee on the letters of A. Lee, Esq. and the communications of the Minister of France; and after some time spent thereon, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the report to them referred, and made some progress therein, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That on Monday next Congress resolve itself into a Committee of the Whole to consider farther the report to them referred.

A memorial from Mons. Holker was read.

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 1, 1779

Mr. [John] Jay, President, laid before Congress a continuation of his powers as delegate for the State of New York, which was read, as follows:

The people of the State of New York by the grace of God free and independent, to all to whom these presents shall come, send Greeting.

Whereas our Senate and Assembly of our said State have lately by concurrent resolutions declared that the special occasion for which the

<sup>1</sup>The memorial of Temple, dated February 26, is in the *Papers of the Continental Congress*, No. 41, X, folio 71; the letter of Greene, in No. 155, I, folio 91.

honble John Jay Esq. Chief Justice of this State, was elected a delegate from this State in Congress will very probably continue after the first day of March next, and therefore, that he be farther continued in office as a delegate until thirty days after the next meeting of the legislature. Now therefore, know ye, that in pursuance of the said concurrent resolutions, We do by these presents, commissionate the said John Jay Esq. a delegate to represent this, our State, in the general congress of the United States of America, on the said special occasion, and do hereby authorise him to hold and exercise all the powers and authorities to the office or place of delegate belonging by virtue of the said concurrent resolutions until thirty days after the next meeting of the legislature of this our State and no longer. In testimony whereof we have caused these our letters to be made patent and our great Seal of this our State to be hereunto annexed. Witness our trusty and well beloved George Clinton, Esq., our Governor of our said State, General and commander in chief of all the militia and admiral of the navy of the same at Pockepsie, the ninth day of February in the third year of our independence, and in the year of our Lord one thousand seven hundred and seventy nine. Signed GEORGE CLINTON with the great Seal appendant.<sup>1</sup>

A letter, of 26 February, from General Washington, was read, with an enclosed extract of a letter of 25 of the same month, from Brigadier General Maxwell, giving an account of an attempt of the enemy to surprize the post at Elizabeth town:<sup>2</sup>

*Ordered*, That the extract from Brigadier Maxwell be referred to the Committee of Intelligence:

That the letter from General Washington be referred to a committee of three:

The members chosen, Mr. [George] Plater, Mr. [William] Ellery, and Mr. [William] Paca.

The memorial from Mr. Holker was again read:

<sup>1</sup>The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*.

<sup>2</sup>Washington's letter is in the *Washington Papers*, A, IV, 1, 289; that of Maxwell is in the *Papers of the Continental Congress*, No. 152, VII, folio 119.

On the question that it be committed, the yeas and nays being required by Mr. Gouverneur Morris,

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple, Frost,	ay } ay	Mr. Plater, Paca,	ay }
<i>Massachusetts Bay,</i>		Carmichael,	ay }
Mr. S. Adams, Holten,	no } * ay }	Henry,	ay }
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Dyer, Root,	ay } ay	Mr. T. Adams, F. L. Lee,	ay }
<i>New York,</i>		Smith, R. H. Lee,	ay }
Mr. Jay, Duane, Morris,	ay } ay	Griffin, Nelson,	ay }
Floyd, Lewis,	ay }	<i>North Carolina,</i>	
<i>New Jersey,</i>		Mr. Penn, Hill,	ay }
Mr. Fell,	ay } *	Burke,	ay }
<i>Pennsylvania,</i>		<i>South Carolina,</i>	
Mr. Clingan, Armstrong, Shippen,	ay } ay	Mr. Laurens, Drayton,	ay }
Atlee, Searle,	no } ay ay }	<i>Georgia,</i>	
		Mr. Langworthy,	ay } ay

So it was resolved in the affirmative.

*Resolved*, That the committee consist of three:

The members chosen, Mr. [Richard] H[enry] Lee, Mr. [Henry] Laurens, and Mr. [Meriwether] Smith.

In pursuance of an application from the general assembly of Pennsylvania,

*Resolved*, That a committee of three be appointed to confer with a committee of the general assembly of Pennsylvania, on the subject of the emissions of continental money ordered to be taken out of circulation:

The members chosen, Mr. [Elbridge] Gerry, Mr. [William] Carmichael, and Mr. [James] Duane.

*Resolved*, That a member be added to the Committee on the Treasury:

The member chosen Mr. [Cyrus] Griffin.

*Resolved*, That the committee, to whom were referred the letters and papers from Mr. President Reed, respecting public waggons employed by Major General Arnold, be empowered to send for persons and papers, and to examine witnesses on oath.

Congress resumed the consideration of a report of the Board of War of 6 February, and thereupon,

*Resolved*, That Mons. Oneil be appointed captain of infantry in Brigadier General Count Pulaski's legion:

That Mons. Verdier, Mons. Beaulieu, Mons. Kerlevan, and Mons. la Close, be appointed lieutenants in the said legion.<sup>1</sup>

An appeal from a judgment of a court of Admiralty for the State of New Jersey was this day lodged with the Secretary.

Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the report of the committee on the communications of the Minister of France and made some farther progress, but not having come to a conclusion desire leave to sit again.

That the thirteen United States are bounded: *North* by a line drawn from the northwest angle of the boundary of Nova Scotia along the high lands, which divide the rivers that empty themselves <sup>Amendment A<sup>2</sup></sup> into the river S<sup>t</sup> Laurence from those which fall into the Atlantic, to Connecticut River; thence down that river to the 45<sup>th</sup> degree of North Latitude; thence in that latitude to the River St. Laurence; thence to the south end of the lake Nipissing and thence to the source of the Mississippi. *West*, by a line drawn

<sup>1</sup>See note under February 12, p. 179, *ante*.

<sup>2</sup>"A. By a line drawn thence due East to the River Apalachicola or Catahouche, thence to the junction thereof with the Flint River, thence in a strait line to the Head of"

along the middle of the River Mississippi from its source to the 31<sup>st</sup> degree of North latitude; that part of the said river which lies in latitude thirty one Degrees north from the Equator: *South*, by a line from the river Mississippi in the beginning of the 31<sup>st</sup> degree of north latitude to the junction of the Catahouche and Flint rivers, thence by a line to the head of St. Mary's river; and thence by a line along the middle of S<sup>t</sup> Mary's river to the Atlantic Ocean.

*Amendment to the first proposition.<sup>1</sup>*

That the thirteen United States are bounded. *EAST* by the Atlantic ocean. *NORTH* by a line drawn from the north west angle of the boundary of Novia Scotia along the high lands, which <sup>Agreed to in</sup> divide the rivers that empty themselves into the river <sup>Com<sup>m</sup> March 1</sup>

S<sup>t</sup> Lawrence from those which fall into the Atlantic, to Connecticut river, and then down that River to the 45<sup>th</sup> degree north Latitude; thence in that latitude to the River S<sup>t</sup> Laurence; thence to the south end of the Lake Nepissing, and thence to the source of the Mississippi. *WEST*, by a line drawn along the middle of the river Mississippi, from its source to the 31<sup>st</sup> degree of North Latitude. *SOUTH* by a line from the river Mississippi in the 31<sup>st</sup> degree of north latitude to the junction of the Catahouche and Flint Rivers, thence by a line to the head of S<sup>t</sup> Mary's river, and thence by a line along the middle of S<sup>t</sup> Mary's River to the Atlantic Ocean.<sup>2</sup>

*2<sup>nd</sup> Page, 6 line: dele to the Mississippi and insert to the western boundary of the United States. Transpose the words (as contended for by Great Britian) and insert them immediately after Nipissing.<sup>3</sup>*

*East*, by a line to be settled and adjusted between that part of the state of Massachusetts Bay, formerly called the Province <sup>Amendment B<sup>4</sup></sup> of Maine, and the Province of Nova Scotia, agreeably to their respective rights.

Comprehending all the Islands in the Atlantic Ocean lying contiguous to or within 20 leagues of any part of the shores <sup>Amendment C<sup>5</sup></sup> of the United States from the north easterly limits on the sea of East Florida to the South westerly bounds on the sea of Nova Scotia.

<sup>1</sup> A line in the writing of Francis Lightfoot Lee.

<sup>2</sup> This amendment, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 86, III, folio 477.

<sup>3</sup> A memorandum by Charles Thomson on the same sheet.

<sup>4</sup> "B. *East*, by a line drawn along the middle of the River St. Johns from its source to its mouth or *By*"

<sup>5</sup> "C. Comprehending all Islands within twenty leagues of any part of the shores of the United States between lines drawn due East from the points where their

In the 4<sup>th</sup> prop.: Strike out the words "as low down as the Southern boundary of the United States." Second head, prop. 3<sup>rd</sup>: Strike out the words "if adequate compensation therefor can be obtained."<sup>1</sup>

Page 3<sup>rd</sup>, line 2<sup>nd</sup>: from the bottom, strike out the words "six thousand."<sup>2</sup>

Page 4<sup>th</sup> line 3<sup>rd</sup>: insert the words "and guaranteed,"<sup>3</sup> line 4<sup>th</sup>: strike out the words "and the possession and sovereignty thereof forever guaranteed."<sup>4</sup>

*Resolved*, That on Wednesday Congress be resolved into a Committee of the Whole to consider farther the report of the Committee on communications, &c.

*Resolved*, That to morrow be assigned for taking into consideration the reports of the Committee of Conference.

Adjourned to 10 oClock to Morrow.

TUESDAY, MARCH 2, 1779

A memorial from George Gustave D'Ugglaa was read:  
*Ordered*, That it be referred to the Board of War.

A letter, of February 7, from Major De Bois was read:<sup>5</sup>  
*Ordered*, To lie on the table.

A letter, of February 8, from E. Hancock, deputy paymaster general in the eastern department, was read:

*Ordered*, That it be referred to the Board of Treasury  
The Committee on the Treasury brought in a report;  
Whereupon,

boundary lines between Nova Scotia on the one part and Florida on the other part shall touch the Atlantic Ocean."

These three amendments, in the writing of Gouverneur Morris, are in the *Papers of the Continental Congress*, No. 86, III, folio 501.

<sup>1</sup> In writing of Charles Thomson.

<sup>2</sup> In the writing of Francis Lightfoot Lee. The paper itself, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 86, III, folio 471.

<sup>3</sup> Ugglaa's memorial, dated February 25, is in the *Papers of the Continental Congress*, No. 41, X, 279. A second memorial, dated the 24th, to the Board of War, is in No. 147, III, folio 95. The letter of De Bois is in No. 78, II, folio 383.

*Ordered*, That a warrant issue on the treasurer, in favour of Mr. W[illiam] Floyd, a delegate from the State of New York, on his application, for two thousand dollars, for which the said State is to be accountable.<sup>1</sup>

The Board of War having represented that application has been made to the Board for arrearages of cloathing due to two regiments for the year 1777, and that other regiments in the service have similar demands, which ought to be adjusted and paid with all the despatch compatible with the prevention of frauds to the United States; Whereupon,

*Resolved*, That a proper person be forthwith appointed and commissioned to settle and pay all accounts of arrearages of cloathing due to the troops of these states for the year 1777:

That this commissioner be authorized to call on the cloathier general and his deputies, for immediate and exact returns of all cloathing by them issued for the year 1777, shewing at what times, to whom, and for whose use the same was issued; which returns the cloathier general and his deputies are directed to make accordingly. The cloathiers in the several states are also desired to make to the said commissioner similar returns of all the cloathing by them issued for that year, on account of the United States, and the governments of the states respectively are requested to give the orders and assistance necessary for this end. And all officers of the army who have received cloathing for the troops, either of any continental or state cloathier, or by purchase or impressment, are directed to render to the commissioner aforesaid, a return of the same, and account with him for their due application:

<sup>1</sup> This report, dated February 27, is in the *Papers of the Continental Congress*, No. 196, III, folio 123.

That the Commander in Chief, and officers commanding at any separate posts, do forthwith cause the captains and officers commanding companies, in the troops under their immediate command, to make out the accounts of their respective companies, specifying the names of the claimants still in the service, where they are, what they have received, and what is still due; these points, in cases of doubt, to be ascertained by a particular enquiry of the officers, non-commissioned officers and privates of each company. The accounts thus formed and ascertained, shall be delivered to the regimental pay masters, who shall draw them into a general one, and settle the same with the commissioner aforesaid, and the commissioner shall certify the sums due on such accounts, and to whom; whereupon warrants shall be issued for payment, in like manner as for the monthly pay of the troops:

That the said regimental pay masters pay the arrearages aforesaid to the non-commissioned officers and soldiers themselves, or their representatives, to whom they are due; and account with the commissioner aforesaid for the moneys they received for that use, producing the receipts of the non-commissioned officers and soldiers, or their representatives, as vouchers. And if upon such accounting, there shall appear to be moneys in any pay master's hands, received for non-commissioned officers and soldiers who afterwards died or deserted, the said commissioner shall certify the same to the pay master general, or his deputy, at the post where the regiment of such pay master is stationed, to whom he shall pay over all such moneys remaining in his hand:

That all non-commissioned officers and soldiers entitled to the continental bounty of cloathing, who served in the year 1777, but are not now in the service, and their representatives in case of death, shall also receive the arrear-

ages due for such cloathing: provided they produce, or transmit to the commissioner aforesaid, accounts thereof, properly authenticated by the certificates of the officers under whom they immediately served, or other sufficient evidence. And the said commissioner being satisfied therewith, shall certify the sums due on those accounts; whereupon warrants shall issue as aforesaid for payment:

That as in the course of this inquiry it may appear, that the cloathing issued to divers non commissioned officers and soldiers for the year 1777, exceeds the bounty allowed by Congress, the regimental pay masters shall enter the names of such in two separate rolls, for the inspection of the commissioner aforesaid, who shall transmit one of them to the pay master general, or his deputy at the post where the regiments may happen to be, and the other to the commanding officers of the regiments to which such non-commissioned officers and soldiers belong, who shall thereupon be put under stoppages by order of such commanding officers, to the amount of the surpluses of the allowed bounty; for which the regimental pay masters shall account with the pay master general or his deputy aforesaid, upon every application for the regiment's monthly pay:

That the said commissioner be permitted to employ one or more clerk or clerks, to assist him in executing the commission aforesaid, as the business shall require:

That the said commissioner be allowed, while in actual service, the same pay and subsistence as an auditor of the army; and that he be appointed by, and accountable to, the Board of War, and continue in office so long only as they shall think proper; and that his clerk, if the Board of War shall deem it to be necessary he should be allowed one, have the same pay and subsistence as is granted to a clerk of an auditor of accounts in the army.<sup>1</sup>

<sup>1</sup>This report, dated February 10 (Pickering, Peters, F. L. Lee, and Root, present), is in the *Papers of the Continental Congress*, No. 147, III, folio 42.

Whereas the State of Rhode Island and Providence Plantations is invaded, and hath represented to Congress, that by reason thereof it is unable to levy the proportion of the continental tax assigned them for the present year:

*Resolved*, That 50,000 dollars be taken from the apportionment of the tax for the present year to the State of Rhode Island and Providence Plantations; and that the same, by the consent of the delegates of the State of South Carolina, be added to the apportionment of that State.

The Board of War to whom was referred the memorial of Mr. D'Ugglaa, represent, that General Pulaski has expressed his wish that Mr. D'Ugglaa should be appointed adjutant to his corps; and therefore beg leave to report,

That Mr. George Gustave D'Ugglaa, be appointed a lieutenant in the legion commanded by General Count Pulaski:<sup>1</sup>

On the question to agree to the said report, the states were equally divided, and the question lost.

Congress took into consideration the report of the Committee of Conference, and some time being spent thereon,  
Adjourned to 10 o Clock to Morrow.

**WEDNESDAY, MARCH 3, 1779**

Mr. [Frederick A.] Muhlenberg, a delegate for Pennsylvania, attended and produced the credentials of his appointment, which were read as follows:

IN GENERAL ASSEMBLY OF PENNSYLVANIA,  
*Tuesday, March 2d, 1779. A. M.*

The House agreeable to the Order of the day proceeded to the Election by Ballot of Delegates to represent this State in Congress in the Room of Edward Biddle, Daniel Roberdeau and William Clinghan,

<sup>1</sup>This report, dated March 2 (Pickering and Peters, present), is in the *Papers of the Continental Congress*, No. 147, III, folio 98.

Esq<sup>r</sup>, when Frederick Muhlenberg, Henry Wynkoop and James McLene, Esq<sup>r</sup>, were duly elected and chosen.

**Extract from the Minutes.**

SAM<sup>t</sup>: STERRETT,  
*Assist. Clk of Gen<sup>t</sup> Assembly.<sup>1</sup>*

A letter, of 1, from General Washington, was read, enclosing a letter, of 27 February, from Brigadier Maxwell;<sup>2</sup>

**Ordered**, That the same be referred to the Committee of Intelligence.

The Committee on the Treasury brought in a report; Whereupon,

**Ordered**, That a warrant issue on the Treasurer, in favour of General Greene, quarter master general, on his application, for four millions of dollars, for the use of his department, he to be accountable.

That a warrant issue on the treasurer, in favour of the inspectors of the continental press, namely, John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and Nathaniel Falconer, on their application, for five thousand dollars advanced them on account.<sup>3</sup>

Congress was resolved into a Committee of the Whole to take into consideration the report of the committee, to whom was referred the report of the Committee on Appeals, and after some time, the President resumed the chair and Mr. F[rancis] L[ightfoot] Lee reported that the committee have had under consideration the report to them referred, and have made sundry amendments, which he was ready to report:

The report with the amendments being read,

<sup>1</sup>The original is in the *Papers of the Continental Congress, Pennsylvania, Credentials of Delegates*.

<sup>2</sup>Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 135; that of Maxwell is on folio 139.

<sup>3</sup>This report, dated March 2, is in the *Papers of the Continental Congress*, No. 136, III, folio 127.

*Ordered*, That the same be referred to the committee who brought in the report in order that they may arrange it agreeably to the said amendments.

Adjourned to 10 o Clock to Morrow.<sup>1</sup>

**THURSDAY, MARCH 4, 1779**

Mr. J[ames] M'Lene, a delegate for Pennsylvania, attended, and took his seat in Congress.

A letter, of 2, from the Board of War, was read, desiring to know the sense of Congress, whether the supernumerary officers are entitled to one year's subsistence as well as pay, by virtue of the resolution of the 24 of November last;<sup>2</sup> Whereupon,

*Resolved*, That the supernumerary officers, under the resolution of Congress, of 24 November last, are not entitled to subsistence from Congress.

A memorial from Robert Jewell, was read;<sup>3</sup> whereupon, Congress took into consideration a report of the Board of War, on a former memorial of R. Jewell; and, thereupon,

*Resolved*, That eight dollars a day be allowed to Robert Jewell, keeper of the new gaol in Philadelphia, for himself, his door keeper, and occasional clerk:

That his two assistants be allowed four dollars each per day:

That the pay of these allowances commence the 20th day of June, 1778, when the said R. Jewell and his assistants resumed their charge of the said gaol.

<sup>1</sup> A petition of Elizabeth Longhammer, wife of George Longhammer, of this date, is in the *Papers of the Continental Congress*, No. 42, IV, folio 182.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 99. It was based upon a question contained in a letter from Colonel Richard Humpton, dated February 28, which is on folio 103.

<sup>3</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 392.

A letter, of 3d, and one of 8 December, from J. Adams, one of the Commissioners of the United States at Paris, were read:

*Ordered*, That they be referred to a committee of three: The members chosen, Mr. [Gouverneur] Morris, Mr. [William Henry] Drayton, and Mr. [William] Paca.

*Resolved*, That the committee be instructed to prepare a recommendation to the several states to set apart a day of fasting, humiliation and prayer, and an earnest address to the inhabitants thereof to rouse them to vigorous exertions on the present critical situation of public affairs.

Congress was resolved into a Committee of the Whole to consider farther the report of the committee on the communications of the Minister of France, &c., and after some time, the President resumed the chair and Mr. [George] Plater reported that the committee have had under consideration the report to them referred, and made some farther progress therein, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That to morrow Congress be resolved into a committee of the whole to consider farther the report of the committee on the communications of the Minister of France.

Adjourned to 10 o Clock to Morrow.

**FRIDAY, MARCH 5, 1779**

A letter, of 23 July last, from B. Franklin and John Adams, two of the commissioners of the United States at Paris, was read.

A letter, of 4, from Major General Baron de Kalb; and two of 11 February, from J. Trumbull, governor of the

State of Connecticut, one enclosing an act of the general assembly of the State of Connecticut, for raising the sum of 1,700,000 dollars for the year 1779, were read:<sup>1</sup>

*Ordered*, That they be referred to the Board of Treasury.

A letter, of 2d, from the Board of War, was read:  
Whereupon,

WAR OFFICE, 2<sup>nd</sup> March, 1779.

It is with much concern that the Board take up the attention of Congress with a repetition of former requests. But they cannot help again mentioning the subject of clothing, as they perceive that owing to no public purchases going on all the goods imported will get into the hands of private people, and the Army of course will either never benefit by them, or if they do it will be at an extravagant advance paid to private purchasers and Engrossers. The Board do not conceive it proper for them to purchase after what they have written to Congress, and as they are not Merchants, they feel the want of knowledge of the business; and besides are really abundantly employed in performing the common duties of their Department. Vessels are daily arriving with goods into the different Ports, and at every place there are private purchasers sufficiently enabled by their wealth to buy up all the arrivals. Among other Articles, there are seventeen hundred blankets which the public may have from a gentleman who has imported them. Linnens are and will be exceedingly wanted, and we fear the Soldiers will suffer unless they are immediately provided. We must therefore entreat Congress to excuse us if we press the necessity of appointing some purchasers to buy up the Articles wanted by the Army, and if the clothing Department is not arranged, we conceive the Commercial Committee, both from their public Station and their knowledge of Mercantile affairs, much the most proper to receive the directions of Congress on this subject. Should Congress be of this Opinion we beg Leave to Report.

That the Commercial Committee be and they are hereby authorized and directed to purchase, by themselves or their Agents, a sufficient number and quantity of Linnen for Shirts and overalls; blankets Hats, Shoes and hose for the use of the Army, and for this purpose a Warrant be granted and signed by the President in favor of the said Committee, they to be accountable, for the sum of.

<sup>1</sup> One letter from Trumbull is in the *Papers of the Continental Congress*, No. 66, II, folio 1.

That the said Committee deliver over all the Articles So purchased to the Board of War, or their order, to be distributed among the troops according to their necessities.<sup>1</sup>

*Resolved*, That the Committee of Commerce be authorized and directed to provide such supplies and articles of cloathing for the use of the army, as the Board of War shall, from time to time, desire them to procure.

That five hundred thousand dollars be advanced to the Committee of Commerce on account.

A letter, of 25 February, from H. Pawling, major of Colonel Malcolm's regiment, was read, desiring leave to resign his commission:<sup>2</sup>

*Resolved*, That his resignation be accepted.

A letter, of 12 February, from J. Powell, president of the council of the State of Massachusetts bay, enclosing an application from the vice consul of France in that State, and the proceedings of council thereon, was read:

*Ordered*, That it be referred to the Marine Committee.

Another letter, of 10 February, from J. Powell, with sundry papers enclosed, was read:

*Ordered*, That so much thereof as relates to the army be referred to the Board of War, and so much as relates to marine affairs be referred to the Marine Committee.

A certificate from Count Pulaski relative to a horse killed in battle, belonging to Captain Segond, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of 12 February, from Brigadier Varnum, was read, desiring a dismission from the army:

*Resolved*, That the resignation of Brigadier Varnum be accepted.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 107.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 153.

<sup>3</sup>Powell's letter of the 10th is in the *Papers of the Continental Congress*, No. 65, I, folio 382; the Pulaski certificate, in No. 164, folio 44.

A letter, of 13 February, from J. Bradford, was read:  
*Ordered*, That it be referred to the Committee of Commerce.

A letter, of 3d, from G. Morgan, with sundry papers enclosed, was read:

*Ordered*, That the same be referred to the Board of War.

A memorial from sundry officers commissioned by Congress in continental employ, respecting a proposed law of the State of Pennsylvania, was read:<sup>1</sup>

*Ordered*, To lie on the table for the perusal of the members.

A letter, of 25 February, from Joseph Carleton, J. Nicholson, Cornelius Comegys and J. Coit, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 9 February, from the Board of War, was read: Whereupon,

WAR OFFICE, *February 9<sup>th</sup>, 1779.*

This Board having been appointed by Congress to superintend the civil Departments of the Army are frequently applied to for directions and advice, by the several Officers in these Departments, which they find themselves much at a loss to give. Among the great variety of complaints which the subjects of these States are constantly repeating none seems to have given more general dissatisfaction than the difficulties people labour under in obtaining payment of monies justly due them. Yet their demands being founded upon the delivery of Articles to Officers and persons not connected with, or acting under the orders of the heads of the several Departments, they of course refuse payment, as they say the constitutions of their Departments do not warrant their discharging the debts.

In the Clothier Generals Department cases frequently occur which he is not authorized to settle. Officers on detachment, being dis-

<sup>1</sup> Varnum's letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 161; that of Morgan is in No. 163, folio 325, and the memorial of officers in No. 41, IV, folio 51. The signers were: M. Hillegas, Timothy Pickering, Richard Peters, Francis Hopkinson, Thomas Smith, William Govett, James Milligan, R. Smith, Richard Bache, Peter Baynton, John Wharton, and James Read.

tressed for shoes, or other Articles, have procured them from the inhabitants, and given them orders on the Clothier General, or certificates entitling them to Payment. These they have in vain presented for payment. The Board have now an application from a Merchant, from whom General Smallwood the last winter received several thousand Pounds worth of cloathing. The Clothier General cannot pay it, because the regulations of his Department do not authorize him so to do. We advised an application to the Auditors of accounts. They will take no notice of it, because it does not appear how the clothing was distributed, which the party has not, nor can he have a power to shew. The Articles most undoubtedly came to the use of the Maryland troops, as appears from authentic certificates from General Smallwood, altho' the particular distribution does not appear.

In the Quarter Master Generals Department there are large and we believe just demands for Forage and other Articles, which being of an irregular nature and not purchased or taken by order of the Officers in the Department cannot be satisfied.

During our distress last winter for provisions great Quantities were taken, and in a Multitude of instances freely given to relieve the necessities of our Army. The people received certificates which after a tedious circuity of application are still unsatisfied. Many of the best whigs inhabiting the vicinity of the lines are in this situation, and of course much chagrin'd and dissatisfied.

In all these cases the public faith has been looked upon as pledged to the people for payment, and of course public credit has suffered. Nothing proves this more than the little value set upon the certificates, which have been sold for trifling considerations where persons could be found who had confidence enough in them to purchase. This temper of the people under these circumstances has produced extensively disagreeable effects, and among others that of a general aversion to give any credit to the Officers in the Departments, or, if at any time they are induced or obliged to do it, a sufficient advance is put on the price of the Article to indemnify the sellers for their delay and trouble in procuring payment.

On enquiry we find that it is not uncommon in European services for Officers at a distance from magazines or supplies to get the necessary Articles from the inhabitants, and give certificates thereof; the payment whereof is never disputed as to the person parting with his property. But the Commissary returns the transaction, together with the name of the Officer, either to the Commandant of the regi-

ment or to the Commander in Chief, and if the Officer has behaved improperly, he is either obliged to refund the money, or is Cashiered, as the case may be. The States are presumed to appoint no Officers but such as are men of character and therefore the people place confidence in them, or rather the authority which appointed them. If the Officers misbehave, their superiors call them to account; but to save the public faith the individuals are always satisfied their demands.

We hope to be excused for our enlarging on this subject, which the necessity of the case has obliged us to do. And we beg the speedy decision of Congress as we are not only embarrassed with repeated applications, but actions are about being commenced against the Officers who have signed the certificates above mentioned.

We will take the liberty of recommending the following Resolve; but if it be thought improper Congress will be pleased to make some other regulation, as the matter really merits immediate attention.

*Resolved*, That the quarter master general, commissary general of purchases, and cloathier general, and such of their deputies as they shall appoint for that purpose, be, and they are hereby authorized and directed, to pay all certificates (of the authenticity whereof they are or shall be satisfied) for provisions, forage, cloathing, or other articles within the line of their respective departments, furnished by the inhabitants to the troops on detachments, or in cases of necessity, where supplies could not be obtained in a regular course; for which sums so to be paid, they shall be allowed for their trouble one half per cent. and no more.<sup>1</sup> The evidence of such supplies being furnished shall, so far as regards the party of whom received,<sup>2</sup> be the certificates of the officers receiving them. But the officers in the said departments, the cloathiers excepted, paying the same, shall notify the officers who gave such certificates to render an account of the application of the articles so received, and the said officers are hereby directed to render such account accordingly: and

<sup>1</sup>This last phrase is inserted in the original report in the writing of John Jay.

<sup>2</sup>From this point the entries are by George Bond, of the Secretary's office.

the said quarter master and commissary general, and their deputies, so paying the said certificates, are hereby authorized and empowered to examine and settle the said accounts. And whensoever any misconduct shall appear in any officer signing a certificate, the same shall be reported to the Commander in Chief, if the said officer be with the main army, and if not, to the commanding general or officer of the detachment of the army wherein such officer shall serve, that a tryal and examination be had by a court martial. And if there shall be any injustice done to the public, or the articles received by the officers were unnecessary, or did not come to the use of the troops, the officer found delinquent shall be obliged to refund to the United States the whole of the moneys paid on the certificate in pursuance hereof, or such part thereof as shall be adjudged reasonable, and be cashiered, or otherwise dealt with as a court martial shall determine.

The cloathier general, or his deputies, shall transmit to the commissioner appointed for settling the accounts of the arrearages of cloathing due to the soldiers in the army, copies of such certificates as shall be paid by him, that the officers signing the certificates may be called on by the said commissioner to render an account of the distribution of the articles, which shall be duly charged to the men who have received them. In case of misconduct of any officer signing a certificate, the like proceedings shall be had, on the application and report of the commissioner of cloathing, as are herein before directed.

No certificate given before this date shall be paid, unless the same be presented for payment within six months from this day; and no certificate hereafter given shall be paid, unless presented to the proper officer within three months after the date thereof.

And whereas it will be necessary that in future certificates be more formally authenticated, to prevent many inconveniences which may arise similar to those already experienced:

*Resolved*, That certificates hereafter given by commissioned officers, for articles received for the use of the army, be signed with their names at full length, and the rank they hold; and if under a general officer, that the regiment to which they belong be added:

That the particular articles received be inserted in the body of the certificate, their value, the time when, and place where received, in letters, not in figures:

That the certificates be directed to the principal of the department, whose duty it is to provide the articles so received, or his nearest deputy; separate certificates to be given whenever the articles appertain to several departments:

That officers keep exact copies of the certificates they give, and transmit other copies to the nearest deputy or agent in the department, giving him the necessary information respecting the business:

That the deputies transmit copies of all the certificates they pay to their principals, that enquiry may be made whether the giving the certificates was necessary for the public service, and whether the things received have been properly applied:

The report on the above subject was sent to General Washington, and some alterations and additions being made by him, the report now sent is exactly conformable to his sentiments.<sup>1</sup>

The committee to whom was referred the memorial of Brigadier General Thompson and other officers in the service of the United States, now prisoners of war on Long Island; and also a letter from the president of the

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 85.

council of the state of Massachusetts bay, with sundry papers enclosed respecting prisoners of war on the said island, brought in a report; whereupon, Congress came to the following resolutions:

Whereas, Congress have on all occasions manifested an earnest desire to alleviate the calamities of war, and more especially to relieve the distresses of those brave and virtuous men, who with inflexible fortitude have sustained the rigours of a long captivity; but all overtures have from a variety of obstacles hitherto proved ineffectual:

*Resolved, therefore,* That General Washington, commander in chief of the armies of the United States, be, and he hereby is fully authorized and empowered, at his discretion, to negotiate and establish with the commander in chief of his Britannic majesty's forces, a cartel or agreement for a general exchange of prisoners, comprehending the convention troops, or a more partial agreement for any particular or definite number of prisoners; and to fix and conclude upon the terms and conditions of the said exchange, ascertaining and allowing an equivalent of inferior for superior officers, and an equivalent of privates for officers, according to such proportion as has been customary or shall appear to him to be just and equitable; and to appoint commissioners and the time and place of their meeting, to treat and confer with the commissioners to be authorized by the commander in chief of the British forces, on the form and manner of such exchange; and it is hereby declared, that the acts and stipulations of the said commissioners, being notified and confirmed by the respective commanders in chief aforesaid, shall be final and conclusive.<sup>1</sup>

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 28, folio 39.

SATURDAY, MARCH 6, 1779<sup>1</sup>

A memorial from the Chevalier de la Colombe, was read, desiring to obtain the commission of major in the service of the United States, and to serve as supernumerary aid de camp to Major General Baron de Kalb, who has expressed a desire to have him as such for the ensuing campaign;<sup>2</sup> Whereupon,

*Resolved*, That the prayer of the memorial be not complied with.

A petition of Edward Keran, by order, and in behalf of the *Susannah's* crew, was read, praying a decision on an appeal wherein they are concerned;<sup>3</sup> Whereupon,

The Committee to whom was recommitted the report of the committee on the report of the Committee on Appeals, together with the amendments made thereon in a Committee of the Whole, having arranged the same, brought in their report, arranged and amended agreeably to the sense of the committee of the whole, the same was taken into consideration, and thereupon Congress came to sundry resolutions, as follows:

The committee, to whom was referred the report of the Committee on Appeals of January 19, 1779, having, in pursuance of the instructions to them given, examined into the causes of the refusal of the judge of the court of admiralty for the State of Pennsylvania, to carry into execution the decree of the court or Committee of Appeals, report,

"That on a libel in the court of admiralty for the State of Pennsylvania, in the case of the sloop *Active*, the jury found a verdict in the following words, viz.

<sup>1</sup> At this point the entries are resumed by Charles Thomson.

<sup>2</sup> This memorial, dated March 4, is in the *Papers of the Continental Congress*, No. 41, II, folio 65. De Kalb's wish is written on the same sheet.

<sup>3</sup> This petition is in the *Papers of the Continental Congress*, No. 41, V, folio 77.

“‘One-fourth of the net proceeds of the sloop *Active* and her cargo to the first claimants, three-fourths of the net proceeds of the said sloop and her cargo to the libellant and the second claimant, as per agreement between them;’ which verdict was confirmed by the judge of the court, and sentence passed thereon. From this sentence or judgment and verdict, an appeal was lodged with the secretary of Congress, and referred to the committee appointed by Congress ‘to hear and determine finally upon all appeals brought to Congress’ from the courts of admiralty of the several states:

“That the said committee, after solemn argument and full hearing of the parties by their advocates, and taking time to consider thereof, proceeded to the publication of their definitive sentence or decree, thereby reversing the sentence of the court of admiralty, making a new decree, and ordering process to issue out of the court of admiralty for the State of Pennsylvania, to carry this their decree into execution:

“That the judge of the court of admiralty refused to carry into execution the decree of the said Committee on Appeals, and has assigned as the reason of his refusal, that an act of the legislature of the said State has declared that the finding of a jury shall establish the facts in all trials in the courts of admiralty, without re-examination or appeal, and that an appeal is permitted only from the decree of the judge:<sup>1</sup>

“That having examined the said act, which is entitled, ‘an act for establishing a court of admiralty,’ passed at a session which commenced on the fourth of August, 1778, the committee find the following words, viz. ‘the finding of the jury shall establish the facts, without re-examination or appeal,’ and in the seventh section of the same

<sup>1</sup> These two paragraphs, in the writing of Thomas Burke, is in No. 29, folio 369.

act the following words, viz. ‘in all cases of captures an appeal from the decree of the judge of admiralty of this State, shall be allowed to the Continental Congress or such person or persons as they may, from time to time, appoint, for hearing and trying appeals.’

“That although Congress, by their resolution of 25 November, 1775, recommended it to the several legislatures to erect courts for the purpose of determining concerning captures, and to provide that all trials in such cases be had by a jury, yet it is provided that in all cases an appeal shall be allowed to the Congress or to such person or persons as they shall appoint for the trial of appeals;” Whereupon,

*Resolved*, That Congress, or such person or persons as they appoint to hear and determine appeals from the courts of admiralty, have necessarily the power to examine as well into decisions on facts as decisions on the law, and to decree finally thereon, and that no finding of a jury in any court of admiralty, or court for determining the legality of captures on the high seas can or ought to destroy the right of appeal and the re-examination of the facts reserved to Congress:<sup>1</sup>

That no act of any one State can or ought to destroy the right of appeals to Congress in the sense above declared:

That Congress is by these United States invested with the supreme sovereign power of war and peace:

That the power of executing the law of nations is essential to the sovereign supreme power of war and peace:

That the legality of all captures on the high seas must be determined by the law of nations:<sup>2</sup>

<sup>1</sup> These two paragraphs, with some changes, in the writing of Charles Thomson, are on folio 359.

<sup>2</sup> This paragraph, in the writing of John Jay, is on folio 357a.

That the authority ultimately and finally to decide on all matters and questions touching the law of nations, does reside and is vested in the sovereign supreme power of war and peace:<sup>1</sup>

That a controul by appeal is necessary, in order to compel a just and uniform execution of the law of nations:

That the said controul must extend as well over the decisions of juries as judges in courts for determining the legality of captures on the sea; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations in all cases of captures, and might at any time exercise the same in such manner as to prevent a possibility of being controuled; a construction which involves many inconveniences and absurdities, destroys an essential part of the power of war and peace entrusted to Congress, and would disable the Congress of the United States from giving satisfaction to foreign nations complaining of a violation of neutralities, of treaties or other breaches of the law of nations, and would enable a jury in any one State to involve the United States in hostilities; a construction which for these and many other reasons is inadmissible:

That this power of controuling by appeal the several admiralty jurisdictions of the states, has hitherto been exercised by Congress by the medium of a committee of their own members:

*Resolved*, That the committee before whom was determined the appeal from the court of admiralty for the State of Pennsylvania, in the case of the sloop *Active*, was duly constituted and authorized to determine the same:

On passing this resolution, the yeas and nays being required by Mr [James] Searle,

<sup>1</sup>This paragraph, in the writing of Nathaniel Folsom, is on folio 357a.

<i>New Hampshire,</i>		<i>Maryland,</i>
Mr. Frost,	ay } ay	Mr. Plater,
<i>Massachusetts Bay,</i>		Carmichael,
Mr. S. Adams,	ay }	Henry,
Lovell,	ay } ay	<i>Virginia,</i>
Holten,	ay }	Mr. T. Adams,
<i>Rhode Island,</i>		M. Smith,
Mr. Collins,	ay } ay	R. H. Lee,
<i>Connecticut,</i>		<i>North Carolina,</i>
Mr. Dyer,	ay }	Mr. Penn,
Root,	ay }	Hill,
<i>New York,</i>		Burke,
Mr. Jay,	ay }	<i>South Carolina,</i>
Floyd,	ay }	Mr. Laurens,
<i>New Jersey,</i>		Drayton,
Mr. Witherspoon,	no ;*	<i>Georgia,</i>
<i>Pennsylvania,</i>		Mr. Langworthy,
Mr. Armstrong,	no	
Shippen,	no	
Atlee,	no	
Searle,	no	
M'Lene,	no	

So it was resolved in the affirmative.

*Resolved*, That the said committee had competent jurisdiction to make thereon a final decree, and therefore their decree ought to be carried into execution.

On this the yeas and nays being required by Mr. [James] Searle,

<i>New Hampshire,</i>		<i>New York,</i>
Mr. Frost,	ay } ay	Mr. Jay,
<i>Massachusetts Bay,</i>		Floyd,
Mr. S. Adams,	ay }	<i>New Jersey,</i>
Lovell,	ay } ay	Mr. Witherspoon,
Holten,	ay }	<i>Pennsylvania,</i>
<i>Rhode Island,</i>		Mr. Armstrong,
Mr. Collins,	ay } ay	Atlee,
<i>Connecticut,</i>		Shippen,
Mr. Dyer,	ay }	Searle,
Root,	ay }	M'Lene,

<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater,	ay	Mr. Penn,	ay
Paca,	ay	Hill,	ay
Carmichael,	ay	Burke,	ay
Henry,	ay		
<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams,	ay	Mr. Laurens,	ay
M. Smith,	ay	Drayton,	ay
R. H. Lee,	ay	<i>Georgia,</i>	
		Mr. Langworthy,	ay } ay

So it was resolved in the affirmative.

*Resolved*, That the general assembly of the State of Pennsylvania, be requested to appoint a committee to confer with a committee of Congress on the subject of the proceedings relative to the sloop *Active*, and the objections made to the execution of the decree of the Committee on Appeals, to the end, that proper measures may be adopted for removing the said obstacles; and that a committee of three be appointed to hold the said conference with the committee of the general assembly of Pennsylvania:<sup>1</sup>

The members chosen, Mr. [William] Paca, Mr. [Thomas] Burke, and Mr. R[ichard] H[enry] Lee.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of William Young, steward to the President of Congress, for five thousand dollars advanced for defraying expences of the President's household, and for which the said W. Young is to be accountable.<sup>2</sup>

<sup>1</sup> This paragraph, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 29, folio 367. The report as presented is printed under February 2, 1779, *ante*.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, III, folio 139.

TREASURY OFFICE, March 3, 1779.

*Resolved*, That a warrant issue on the Treasurer, in favour of the Commercial Committee, on their application, for five hundred thousand dollars for the use of their department; and for which the said Committee are to be accountable.

That a warrant issue on the treasurer in favour of Colonel Lambert Cadwallader, late of the 3d Pennsylvania regiment, for five thousand dollars to enable him to discharge the arrears of pay due to the said regiment while under his command, and for which he is to be accountable.

That a warrant issue on Nathaniel Appleton, Esq., commissioner of the continental loan office in the State of Massachusetts bay, in favour of Ebenezer Hancock, deputy paymaster general, on his application, for one hundred thousand dollars, for the use of his department; and for which he is to be accountable.<sup>1</sup>

That a warrant issue on the treasurer in favour of Jeremiah Wadsworth, commissary general of purchases, for two millions and seven hundred thousand dollars, on his application, for the use of his department; for which he is to be accountable.

That a warrant issue on the treasurer in favour of General Mifflin, late quarter master general, for eighty thousand dollars to discharge arrearages claimed to be due in his said late department; and for which he is to be accountable.

*Resolved*, That a warrant issue on the treasurer, in favour of Dr. Jonathan Potts, deputy director general of the general hospital, on the application of the Medical Committee, for one hundred and fifty thousand dollars, for the use of his department; for which he is to be accountable.

<sup>1</sup> This report, dated March 3, is in the *Papers of the Continental Congress*, No. 136, III, folio 133.

That a warrant issue on the treasurer, in favour of Colonel B. Flower, commissary general of military stores, on the application of the Board of War, for one hundred and fifty thousand dollars, for the use of his department; for which he is to be accountable.<sup>1</sup>

The Marine Committee to whom it was referred to consider the gratification to be allowed Captain Peter Landais, for his services in transporting military stores to America, report,

That in consideration of the danger Captain Landais was exposed to whilst he was engaged in that service, and the propriety with which he executed it, he be allowed the sum of 12,000 livres, and that a bill be drawn on France for that sum:

*Resolved*, That Congress agree to the said report.

The committee, to whom was referred the memorial of Robert Temple, report, that they have examined the several charges in the account exhibited in his memorial, and are of opinion,

That the locust trees, locust nursery, elm, walnut, and oak trees, apple trees, posts and rails and stones, framed fences, sheep house, oak plank, and the building on his wharf, being taken by the orders of the officers of the continental army, and applied to the public use, the said Robert Temple ought to be paid for the same as follows, viz.

For locust trees,	-	-	£4800 lawful.
Apple trees,	-	-	140
Nursery,	-	-	500
Elm and walnut trees, &c.	100		
400 rods of post and rail			
fence and stone wall		400	

<sup>1</sup> This report, dated March 2, is in the *Papers of the Continental Congress*, No. 196, III, folio 125.

Another 400 rods post and rail fence,	-	-	100
Framed fence,	-	-	200
Sheep-houses,	-	-	200
Plank,	-	-	62
A building on the wharf,			200

£6702 lawful money.

That the destruction of the young fruit trees, and the injuries done to his barns and dwelling house, stables, dairy, and offices, ought to be considered as damages occasioned by the war; and that the said Robert Temple, in respect to the said damages, ought to be in the same situation as all other citizens of the United States who have suffered in the common calamity:

That the sum of £2500, lawful money, of the State of Massachusetts bay, hath been paid to the said Robert Temple, which, deducted from £6702 like money, to which the articles for which he ought to be paid amount, leave a balance of £4202, like money, equal to 14,006 2/3 dollars: Whereupon,

*Resolved*, That the late quarter master general pay to the said Robert Temple, the said balance of £4202, lawful money, equal to 14,006 2/3 dollars; and that on the settlement of his public accounts he be allowed the same, as well as the £2500 before paid to the said Robert Temple.<sup>1</sup>

Adjourned to 10 o Clock on Monday.

MONDAY, MARCH 8, 1779

A letter, of 3, from General Washington was read.<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of 6, from the Board of War, was read:  
Whereupon,

<sup>1</sup>This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 19, VI, folio 19.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 145.

WAR OFFICE, 6<sup>th</sup> March, 1779.

The Board have been honored with the directions of Congress to report a plan for issuing Military Commissions. The constitution of the Board directs that they shall "fill up all Military Commissions which shall be signed by the President of Congress, and countersigned by the Secretary of the War Office, who shall publish annually a register of all appointments." We are therefore at a loss to know what further regulation is necessary, the Mode pointed out having been pursued heretofore; unless it is deemed requisite to have a stricter examination, and several checks to prevent inadvertencies and mistakes in issuing them, and to authenticate the Commissions so as to render counterfeiting difficult and easily detected.

On considering some instances of forgeries of Commissions, whereby one person (a serjeant in the Army) in particular imposed upon the Commissaries and Quarter Masters with a forged Commission as a Lieutenant, having lived for a long time at several posts where he drew rations, and on pretence of being on command, got possession of Continental horses, and not knowing how many other frauds might in this way be practiced which had not fallen under the notice of the public or the Board, it was thought best some time ago that all Commissions should be *Verbatim* recorded in a book kept at the War Office, and the entry thereof should be certified under the hand of the Secretary. The farther to authenticate this entry and to render counterfeiting more difficult, it was agreed that the Board should get a Seal of Office which should be affixed to the attestations of the Commissions, and to all the public Acts of the Board, such as warrants granted in the Ordnance Department, &c, as it was thought that it was possible by a forged Warrant to get possession of stores of a considerable value before the fraud could be detected. It was proposed before getting the Seal to ask the permission of Congress; but some of their Members, then acting with the Board, thought it would be unnecessarily taking up the time of Congress, then employed in more important business. On examining the Commissions granted by several European powers none of them (except to General Officers) are granted under the Seal of the State, but are generally certified to have been entered in their Office for the War Department, countersigned by the Secretary or Minister of War, and most generally under the private Seal at Arms of such Minister. These reasons inducing the Board, a Seal was procured and put to the certificates of the entries of a few Commissions, but the use of it has been discontinued on our

being informed that Congress were not satisfied of the propriety of it. As our views may be misunderstood we have troubled Congress with this explanation of them. We have drawn the following report which we beg leave to submit to Congress, and have taken the liberty from a real conviction of its use, to propose that Congress would authorize the Board to affix a seal to render the imitating Commissions the more difficult, unless they are satisfied that it is unnecessary. We wait for the directions of Congress on this head, as we have great numbers of Commissions now ready to present for signing.

*Resolved*, That all military commissions be filled up at the war office, and attested by their secretary, and then presented for signing to the President of Congress, who shall sign the same: after signature by the President, they shall be sent back to the war office, and there registered verbatim in a book to be kept for that purpose: after having been examined by the Board, the seal of the Board of War and Ordnance, which the said Board are hereby authorized and directed to provide, shall be affixed to the certificates or attestations of the entries of all such commissions.<sup>1</sup>

*Resolved*, That all appointments of officers in the continental service by the respective states, be, in the first instance, by warrant, certified in such manner as they shall severally direct, to the Board of War, whereupon proper commissions shall be made out in the manner abovementioned.

The Board of War, to whom were referred the memorials of Messrs. James Elliot and Thomas M'Intire, report,

"That it appears Mr. Elliot received a commission or appointment in February last, from Captain James Willing and Mr. Oliver Pollock, continental agent at New Orleans, to act as lieutenant of engineers; and that Mr. M'Intire, being an ensign returned from captivity, but having no vacancy in his regiment in which to serve,

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 113.

went from York town with Captain Willing in the character of his lieutenant, in which capacity he acted with much reputation, and acquired a considerable property for the United States by captures from the enemy: that it appears Mr. Elliot behaved irreproachably, and raised a number of men for the service; that whatever might be the authority of Captain Willing or Mr. Pollock to make these appointments, the gentlemen acted under presumption that their appointments were valid: " Whereupon,

*Resolved*, That Mr. James Elliot, late of New Orleans, be appointed a captain in the army of the United States:

That he receive the pay of a lieutenant from the 27 day of February, 1778, to the time of his present appointment:

That Mr. Thomas M'Intire, in consideration of his merit and services, be promoted to the rank of captain in the army of the United States:

That he receive the pay of lieutenant from the 30th day of December, 1777, to the time of his present appointment:

That Captain Elliot and Captain M'Intire be ordered to the western department, to be employed there as the commanding officer of the department shall think proper.<sup>1</sup>

The delegates for Pennsylvania laid before Congress a letter, of the 4th, to them, from the speaker of the general assembly of that State, which was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [George] Plater, Mr. [Eliphalet] Dyer, [and] Mr. [Thomas] Nelson.

A letter, of 6, from General Washington, was read:<sup>3</sup>

<sup>1</sup> A memorial of M'Intyre, dated January 23, 1779, to the Board of War, is in the *Papers of the Continental Congress*, No. 41, VI, folio 101. The report of the Board of War, dated February 1 (Pickering and Peters, present), is in No. 147, III, folio 25.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 639.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 157.

The committee to whom was referred the letter of Admiral Gambier brought in a report, which was taken into consideration, and after debate,

*Ordered*, That it be re-committed.

*Ordered*, That to morrow at 12 o Clock, Congress take into consideration the report of the Committee of Conference, relative to recruiting the army.

Adjourned to 10 o Clock to Morrow.

TUESDAY, MARCH 9, 1779

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, on their application for one hundred and fifty thousand dollars, for the use of that department, and for which the said J. Carleton is to be accountable.

That a warrant issue on the treasurer, in favour of Francis Hopkinson, Esq. treasurer of loans, for five thousand dollars, to be by him transmitted to Derick Ten Broek Esq. commissioner of the continental loan office in the State of New York, for payment of interest on loan office certificates, the said Derick Ten Broek to be accountable.<sup>1</sup>

That a warrant issue on the treasurer, in favour of Isaac Melcher, barrack master general, on his application, for one hundred thousand dollars, for the use of his department, and for which he is to be accountable.

That a warrant issue on the treasurer in favour of the delegates for the State of New Hampshire, on their appli-

<sup>1</sup>This report, dated March 4, is in the *Papers of the Continental Congress*, No. 136, III, folio 135. The second paragraph was based upon a letter, of February 20, from Ten Broek.

cation, for three thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of the Marine Committee, on their application, for thirty thousand dollars, for the use of the navy board of the middle department, the said Committee to be accountable.<sup>1</sup>

The Board of Treasury report,

That considering the services and sufferings of such of the non-commissioned officers and soldiers of the 3d Pennsylvania regiment, as were taken prisoners at New York in the fall of the year 1776, there be no other stoppages than such as are already made for cloathing supplied previous and subsequent to their captivity:<sup>2</sup>

*Resolved*, That Congress agree to the said report.

The Committee on the Treasury, to whom was referred the memorial of Lieutenant Colonel Eleazer Oswald and Captain John Brown, in behalf of themselves and 27 other persons, praying a compensation for the capture of two vessels on Lake Champlain in May, 1775, with brass cannon, ammunition, stores, provisions, &c. report,

That in their opinion the memorialists have no claim of justice to the compensation referred to, but that considering the utility of the enterprize, and the spirit with which it was conducted, a gratuity ought to be made to them; Whereupon,

*Resolved*, That a warrant issue on the treasurer in favor of Lieutenant Colonel Eleazer Oswald, for 4000 dollars, to be by him distributed to the officers and soldiers concerned in the said enterprize, agreeable to the proportions established in the case of captures of vessels made by Lieutenant Colonel Brown in the year aforesaid; and that

<sup>1</sup>This report, dated March 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 145.

<sup>2</sup>This paragraph is based upon a letter of Colonel Lambert Cadwalader, dated January 23, 1779.

Lieutenant Colonel Oswald be charged with the said sum, and produce receipts from the persons concerned for payment of their proportions of the said allowance.<sup>1</sup>

The commissioners report,

That there is due to three companies of volunteers raised in Bedford county, Pennsylvania, their bounty for reinlisting, from 1 August to 1 December, 1778, which was not allowed on a settlement made with them and reported the 5 February last, for want of necessary information now obtained, 306 60/90 dollars, to be paid to George Wood, Esq.

That there is due to Frederick Bicking for one hundred and eighteen reams of paper for bills of credit, a ballance of 517 30/90 dollars.

That there is due to Peter Thomson, for engrossing on parchment the Act of Confederation, and for materials purchased to make red ink for signing money, one hundred and fifty four dollars.

That there is due to Gifford Dally, his account for a public entertainment on the 6 February last, 1086 dollars.

That there is due to Robert Erwin, for six cords of wood for the use of Congress, 234 60/90 dollars.

That there is due to William Trickett, for stationery for the Board of Claims in 1777, eight dollars and 18/90ths.

That there is due to Robert Aitken, for printing journals of Congress and sundry other contingencies, 3483 45/90 dollars:

That there appears to be due to John Dunlap by his account for printing &c, from September, 1777, to February, 1779, Eight thousand two hundred Twenty two and 60/90 Dollars.

We beg leave to observe that the charges for printing appear to us very enormous, especially that for printing General Lee's tryal, but

<sup>1</sup> This report, dated March 6, is in the *Papers of the Continental Congress*, No. 186, III, folio 155.

as no terms has ever been made before the work was done, and it is a business we do not esteem ourselves competent judges of, especially in these unsettled times when it is difficult to ascertain the value of either labour, materials or money, We are under the necessity of recommending it to further consideration.<sup>1</sup>

*Ordered*, That the said accounts be paid.

*Ordered*, That the remainder of the report respecting J. Dunlap, together with his account, lie on the table for consideration.

A memorial from Samuel Ensign, a soldier in Captain Spaulding's independent company, was read, praying, on account of his peculiar circumstances, to be discharged from the service:<sup>2</sup>

*Resolved*, That the prayer of the memorial be granted.

A letter, of 7 September, from J. Adams, one of the Commissioners of the United States at Paris, was read.<sup>3</sup>

On motion, *Resolved*, That John Brown, of Massachusetts bay, who is under sentence of death, by judgment of a court martial, and who is recommended to Congress for mercy, be pardoned.

A report from the Board of War was read: Whereupon,

AT A BOARD OF WAR, March 4<sup>th</sup>, 1779.

Present, Col Pickering and M<sup>r</sup> Peters.

Agreed to Report to Congress:

Col Malmedy having applied to the Board, and desired to be sent to South Carolina, whither he would go at his own expence, and the Board having taken into consideration the Memorial of Colonel Malmedy praying to be employed in some particular regiment or place, and the Board not knowing how Congress can comply with his request, considering the circumstances of our Army, have thought it best to submit to Congress the following resolution:

<sup>1</sup>This report, dated March 3, and signed by James Milligan and R. Smith, is in the *Papers of the Continental Congress*, No. 186, III, folio 129. It is endorsed: "Lies for Mr. Dunlap's [accounts?]. March 30. So much as relates to the account of J. Dunlap referred to the Board of Treasury."

<sup>2</sup>This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 43.

<sup>3</sup>This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), II, 703.

*Resolved*, That Colonel Francis de Malmedy have leave to join the southern army, there to be employed agreeably to his rank, either in the command of a regiment of light infantry, if light corps are formed out of the battalions, or in such other way as Major General Lincoln shall deem most conducive to the public interest.<sup>1</sup>

*Resolved*, That two members be elected for the standing committee for hearing and finally determining on appeals brought to Congress, to be added to Mr. [William Henry] Drayton, Mr. [William] Ellery, and Mr. [John] Henry, the present members of the said committee:

The members chosen, Mr. [Jesse] Root, and Mr. [William] Paca.

*Resolved*, That a member be added to the committee on the letter of 6 October last from Governor Trumbull.

The Member chosen, Mr. Thomas Adams.

A motion was made,

That Congress be resolved into a Committee of the Whole to consider farther the report of the committee on the communications from the Minister of France, &c.

On which the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple, Frost,	no } no	Mr. Jay, Duane, Floyd, Lewis,	ay } no
<i>Massachusetts Bay,</i>		<i>New Jersey,</i>	
Mr. S. Adams, Lovell, Holten,	no } no ay	Mr. Witherspoon, Fell,	no } no
<i>Rhode Island,</i>		<i>Pennsylvania,</i>	
Mr. Ellery,	no } no	Mr. Armstrong, Shippen, Atlee, Searle, McLane,	no } ay no no } no
<i>Connecticut,</i>			
Mr. Dyer, Root,	no } no		

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, III, folio 111.

<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater,	ay	Mr. Penn,	ay
Paca,	ay	Hill,	ay
Carmichael,	ay	Burke,	ay
<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams,	ay	Mr. Drayton,	ay { ay
F. L. Lee,	no	<i>Georgia,</i>	
R. H. Lee,	no	Mr. Langworthy,	ay { ay
Griffin,	ay		
Nelson,	ay		

So it passed in the negative.

Congress took into consideration the report of the committee appointed to confer with the Commander in Chief; Whereupon,

*Resolved*, That the infantry of these United States for the next campaign be composed of eighty battalions, viz.

3 of New-Hampshire; 15 of Massachusetts bay; 2 of Rhode Island and Providence Plantations; 8 of Connecticut; 5 of New York; 3 of New Jersey; 11 of Pennsylvania; 1 of Delaware; 8 of Maryland; 11 of Virginia; 6 of North Carolina; 6 of South Carolina; 1 of Georgia.

That each of the said battalions consist of the number of commissioned and non-commissioned officers and privates established by an act of Congress, passed on the 27 day of May last.<sup>1</sup>

Whereas Congress by an act of 23 January last, did, among other things, authorize the Commander in Chief to take the most effectual measures to enlist for the continuance of the war new recruits in the United States, to compleat the battalions to their proper complement; and for this purpose to grant to each new recruit who should enlist in any of the continental battalions during the war, such a bounty as the Commander in Chief should think

<sup>1</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 33, folio 303.

fit, but not to exceed 200 dollars; and it being apprehended that the said provision will not answer the good purposes thereby intended:

*Resolved*, That the above recited clause of the said act of Congress be repealed; and that it be earnestly recommended to the several states to make up and compleat their respective battalions to their full complement by draughts, or in any other manner they shall think proper; and that they have their quotas of deficiencies ready to take the field, and to march to such place as the Commander in Chief shall direct, without delay:

That a bounty of 200 dollars, out of the continental treasury, shall be granted to each recruit, who, after the 23 day of January last, hath inlisted, or shall enlist during the war; [or in case the State shall have granted as great, or greater bounty, the said 200 dollars, for every such recruit, shall be passed to the credit of the State respectively for whose quota he shall be raised.]<sup>1</sup>

The Committee on the Treasury report,

*Resolved*, That John Helm be nominated to Congress as a signer of the Continental Bills of Credit of the United States.

That they have considered a petition of Joseph Philbrick, of the 24th of July, 1777; a letter from the Hon. Meshech Weare, president of the State of New Hampshire, dated November 6, 1778, enclosing affidavits of Samuel Davis and Ephraim Whitney; a memorial of John Hagerman and Matthew Hollenback, of the 10 November last; a petition of William Getteys, of 20 January; and another from Thomas Newark, of 22 February last, relative to their respective losses of continental money by fire and water; and are of opinion,

That the facts set forth in several of the petitions are not well supported; that it appears to the committee

<sup>1</sup>This report, in the writing of James Duane (words in brackets by Thomas Burke), is in the *Papers of the Continental Congress*, No. 83, folio 299.

unnecessary to state the evidence adduced in support thereof, since admitting the facts respecting the destruction of the bills, there is not evidence to prove them not to have been counterfeit; that if this is not required, the public must be exposed to the greatest impositions and frauds, particularly from persons employed in making and passing counterfeit bills, and that for these, and many other reasons, the committee are clearly of opinion the prayers of the said memorials, and petitions, and letter, be not granted:<sup>1</sup>

*Resolved*, That Congress agree to the said report.

Adjourned to 10 o Clock to Morrow.

**WEDNESDAY, MARCH 10, 1779**

A memorial from Colonel Sheldon and other field officers of the second regiment of light dragoons, and also a memorial from Captain John Paul Schott, were read:

*Ordered*, That they be referred to the Board of War.

The honble Mr. [William Henry] Drayton communicated to Congress an extract of a private letter to him from Pierce Butler, Esq. of Charles town South Carolina, dated February 6, 1779, in the following words; viz,<sup>2</sup>

"The election for governor, lieutenant governor, &c. came on yesterday. Mr. J. Rutledge was chosen governor, T. Heyward, lieutenant governor. The delegates to represent the State in Congress are Mr. H[enry] Laurens, A[rthur] Middleton, E[dward] Rutledge, Thomas Bee, and John Matthews. The people say they so sensibly feel the want of their chief justice at home, that they cannot consent to let him be absent any longer. You must, there-

<sup>1</sup>This report, dated March 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 143.

<sup>2</sup>Sheldon's memorial is in the *Papers of the Continental Congress*, No. 41, VII, folio 237; that of Schott, dated February 23, is in No. 41, IX, folio 80; that of Butler, in No. 78, III, folio 295.

fore, my good Sir, return to us as soon as you can; indeed we stand in much need of you at this critical juncture, therefore pray lose no time." On which Mr. [William Henry] Drayton desired the determination of the House, whether after such information, he ought to attend as a delegate in Congress; Whereupon,

*Resolved*, That the said private letter does not vacate Mr. [William Henry] Drayton's seat, and therefore, that he ought to attend as a delegate in Congress.

The committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Resolve Smith, Esq. for one thousand dollars, it being in full for his salary as commissioner of the chamber of accounts, from the 3 November, 1778, to the 2d March, inclusive.

*Ordered*, That a warrant issue on the treasurer, in favour of James Milligan, Esq. for one thousand three hundred and seventy five dollars, it being in full for his salary as commissioner of accounts, from the 20 August, 1778, to the 2 March, 1779, inclusive.

That a warrant issue on the treasurer, in favour of William Geddes, Esq. for one thousand dollars, it being in full for his salary as commissioner in the chamber of accounts, from the 3 November, 1778, to the 2 March, 1779, inclusive.<sup>1</sup>

That a warrant issue on the treasurer in favour of Doctor Jonathan Potts, deputy director of the general hospital, on the application of the Medical Committee, for one hundred and fifty thousand dollars, for the use of his department, and for which he is to be accountable.<sup>2</sup>

<sup>1</sup> This report, dated March 9, is in the *Papers of the Continental Congress*, No. 136, III, folio 163.

<sup>2</sup> This report, dated March 9, is in the *Papers of the Continental Congress*, No. 136, III, folio 157.

The committee to whom were referred the letters from Colonel Edward Wigglesworth, to the Commander in Chief, brought in a report: Whereupon,

*Resolved*, That Colonel Wigglesworth's resignation be accepted, and that General Washington give him such certificate of his past services as he shall have merited.

The committee appointed on the 1<sup>st</sup> instant, to confer with a committee of the general assembly of Pennsylvania, brought in a report:

The Committee, appointed the 1<sup>st</sup> Instant to confer with a Committee of the General assembly of Pennsylvania, having attended that business, have agreed to the following Report:

Whereas it is represented to Congress that a great proportion of the Bills emitted the 20<sup>th</sup> May, 1777, and 11<sup>th</sup> April, 1778, and applied to the purpose of supplying the Continental army whilst the Enemy were in possession of Philadelphia, were issued to the Inhabitants of this State, and that many of them possessed of such Bills are very indigent;

*Resolved*, That the Treasurer be directed to pay to Thomas Smith, Esq<sup>r</sup>. Commissioner of the Continental Loan office in Pennsylvania, 500,000 Dollars of the new Emission, to be by him advanced to the order of the General assembly of the said State, for the purpose of exchanging the said Bills; that he take Receipts from the person or persons receiving the money, Specifying that equal sums are to be returned to him in Bills of the Emissions first mentioned, and that he be charged with the sum to be paid him by the Treasurer as aforesaid.<sup>1</sup>

*Ordered*, That the consideration thereof be postponed.

Congress was resolved into a Committee of the Whole to consider farther the report of the communications from the Minister of France, &c. and after some time spent thereon, the President resumed the chair, and Mr. F[ran-cis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the report to them referred, and made some progress therein, but not having come to a conclusion, desire leave to sit again.

<sup>1</sup>This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 20, II, folio 45.

*Resolved*, That to morrow Congress be resolved into a Committee of the Whole to consider farther the report of the committee on the communications, &c.

Adjourned to 10 o Clock to Morrow.

**THURSDAY, MARCH 11, 1779**

A letter, of 8, from General Washington, was read, enclosing an extract of a letter from Major General Putnam, giving an account of the enemy's attempt on Horse neck, on the 25 February:<sup>1</sup>

*Ordered*, That the same be referred to the Committee of Intelligence.

A letter of this day from Mons. Mauleon, was read:

*Ordered*, That it be referred to the Marine Committee, and that they be directed to take such order thereon as they judge proper.

A letter, of 10, from the Board of War, enclosing a letter of 9, from Mr. President Reed, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] Burke, Mr. [Gouverneur] Morris, and Mr. [John] Armstrong.

A letter from Lieutenant William Ritter, of Colonel Proctor's regiment, was read, desiring leave to resign his commission.<sup>2</sup>

*Resolved*, That his resignation be accepted.

A letter, of 9, from the Board of War, was read, recommending that Mons. Wendel, of the company of Penet, Wendel & Company, whom they represent as necessary for establishing and directing the said company's manu-

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 163; the enclosure is on folio 167.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 273.

factory of arms in the United States, have the rank of lieutenant colonel of artillery, by brevet, in the continental army.

WAR OFFICE, *March 9<sup>a</sup>, 1779.*

In obedience to the Orders of Congress, this Board have contracted with M<sup>r</sup> Penet and Company for 100,000 fire-arms, to be manufactured in these States. But agreeably to his first information, M<sup>r</sup> Penet represents the great necessity of M<sup>r</sup> Wendel's coming to America, to establish and direct the Manufactory. This gentleman he says, is Captain of Artillery in France, and has served in that corps four and twenty years; that he has, by order of the King, for many years directed the royal Manufactory of Arms; that he is a man of great merit and genius, in the estimation of the Ministry and his own Corps, and possessed of a plentiful fortune. M<sup>r</sup> Penet believes that M<sup>r</sup> Wendel will be the more readily induced to undertake this important service, if Congress shall be pleased to honor him with some mark of their confidence and good opinion and as he is an Officer of Artillery in France and of such Merit, M<sup>r</sup> Penet requests that the brevet rank of Lieutenant Colonel may be granted to him, at the same time explicitly declaring, that M<sup>r</sup> Wendel will not from thence form any pretensions to serve in the Army, or to any appointment whatever.

Convinced by M<sup>r</sup> Penet's information, of the very important advantages that will result to the Manufactory (and consequently to these States) from Mr Wendel's superintendance of it, the Board are of opinion that no reasonable inducement to his coming should be withheld; and believing that on the principle upon which the Commission is requested no inconveniences to the service can arise: We beg Leave to Report:

It being represented to Congress, that M<sup>r</sup> Wendel, of the company of Penet, Wendel & Company, is a gentleman of great merit and genius and will be very necessary for establishing and directing the said Company's Manufactory of Arms in the United States: he having likewise been Captain of Artillery in France for four and twenty years past.

*Resolved*, That Mon<sup>seigneur</sup> Wendel, have the rank of Lieutenant Colonel of Artillery by brevet in the army of the United States, and that a brevet be made out accordingly, and lodged in the War Office, to be delivered to him upon his arrival in the United States.<sup>1</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, III, folio 117.

On the question to agree thereto,  
Passed in the negative.

The committee to whom was referred the petition of John Donell brought in a report, which was read:

*Ordered*, That it be referred to the Board of Treasury.  
A motion being made,

That a million of dollars be immediately sent forward to the deputy paymaster general in South Carolina and G[eorgia] for the use of the southern department:

*Ordered*, That it be referred to the Board of Treasury.  
The Board of War brought in a report; Whereupon,

*Resolved*, That the engineers in the service of the United States shall be formed into a corps, and styled the "corps of engineers;" and shall take rank and enjoy the same rights, honours, and privileges, with the other troops on continental establishment:

That a commandant of the corps of engineers shall be appointed by Congress, to whom their orders, or those of the Commander in Chief, shall be addressed; and such commandant shall render to the Commander in Chief, and to the Board of War, an account of every matter relative to his department:

That the engineers shall take rank in their own corps, according to the dates of their respective commissions:

That every year, previous to the opening of the campaign, the commandant of the corps shall propose to the Commander in Chief, and to the Board of War, such a disposition of the engineers as he shall judge most advantageous, according to the knowledge which he is supposed to have of their talents and capacity.

*Resolved*, That the Board of War be empowered and directed to form such regulations for the corps of engineers and companies of sappers and miners, as they judge

most conducive to the public service; and that the Board report such allowances as they judge adequate and reasonable to be made to officers of the corps of engineers for travelling charges, and when on command at a distance from camp, or in places where they cannot draw rations.<sup>1</sup>

A letter from Samuel Crawford was read:

*Ordered*, That it be referred to the Marine Committee.

Congress was resolved into a Committee of the Whole to consider farther the report of the committee on the communications from the Minister of France, &c., and after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the report to them referred and made some farther progress, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That Congress will on Monday next resolve itself into a Committee of the Whole to consider farther the report of the committee on the communications, &c.

**FRIDAY, MARCH 12, 1779**

A letter, of 6, from N. Greene, Q. M. G., enclosing two petitions from the officers of the corps of Artificers, was read:<sup>2</sup>

*Ordered*, That the same be referred to a committee of three:

The members chosen: Mr. [Thomas] Nelson; Mr. [John] Armstrong and Mr. [Eliphalet] Dyer.

<sup>1</sup> The regulations prepared by the Board of War to make these resolutions effective are in the Washington Papers, *Letters to Washington*, No. 93, folio 62.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 95; the petitions are on folios 100, 104.

The Marine Committee brought in a report; Whereupon,

*Resolved*, That as there are private persons who claim an interest in the armed cutter *Revenge*, the said vessel be sold at public auction; and that the Marine Committee be directed to make such sale, and to bid as much for her as she has been appraised at.

A letter, of 23 January, one of 6, and one of 12 February, from Major General Lincoln, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That the letter from Brigadier Moultrie, one of the enclosed papers, be referred to the Committee of Intelligence; and the letters from Major General Lincoln, with the other papers enclosed, be referred to a committee of three:

The members chosen, Mr. [Thomas] Burke, Mr. [Henry] Laurens, and Mr. M[eriwether] Smith.<sup>2</sup>

The committee to whom was referred the memorial of sundry merchants of Philadelphia, respecting goods taken from them for the public service, immediately after the

<sup>1</sup>The letter, of the 6, is in the *Papers of the Continental Congress*, No. 158, folio 197; that of the 12 February, on folio 231.

<sup>2</sup>"The inclosed papers are referred to us by Congress, and we wish for the assistance of your Ideas to enable us to make a more perfect report. We request you therefore to take the trouble of committing to paper your Opinion on the proposed terms for the Exchange of Prisoners in the southern department, and also any thing which you think will conduce to that End without contravening your general arrangements or general policy and utility.

"We deem it inconvenient, in an inadmissible degree, to permit an exchange of mere citizens. The facility with which our Enemy can make Prisoners of our citizens, the difficulty of our making adequate reprisals, and many other circumstances incline us to this Opinion. It seems even better to suffer the captivity of such as unfortunately fall into their hands. For tho' this is a calamity which greatly affects our sensibility, yet it is far short of what we apprehend from admitting such exchange. We think it must necessarily prove an incentive to the making a greater number of Prisoners of that order, and that the Efforts for making them would be attended with an increase of ravage and horror, which we are not in a condition to prevent or chastise." *Burke and Laurens to Washington*, March 15, 1779. *Washington Papers, Letters to Washington*, 30, folio 377.

evacuation of the city by the enemy, and other papers relative to the said goods, brought in a report; Whereupon,

*Resolved*, That the cloathier general be, and he is hereby, ordered, if there be any of the goods on hand, by him taken from the merchants of Philadelphia, at the time of the evacuation of the city by the enemy, and not fit for the use of the army, to return such goods to the persons from whom they were taken without delay; that for all such goods as he has sold to private persons, he pay to the persons from whom they were taken the sums for which they were sold:

With regard to the residue, a motion was made that the memorialists receive from the quarter master and cloathier general twelve hundred per cent. upon the sterling cost of the goods seized by them for the use of the army of these states; to which an amendment and substitute was moved as follows:

That the cloathier general and quarter master general pay to the memorialists from whom goods were taken for public use, the current price of the same at the time when the said goods were taken,

On this, the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	ay } ay	Mr. Jay,	no }
<i>Massachusetts Bay,</i>		Duane,	ay }
Mr. S. Adams,	ay	Floyd,	ay }
Gerry,	ay } ay	Lewis,	ay }
Lovell,	ay }	<i>New Jersey,</i>	
Holten,	no }	Mr. Witherspoon,	ay }
<i>Rhode Island,</i>		Frelinghuysen,	ay }
Mr. Ellery,	no } no	Fell,	no }
<i>Connecticut,</i>			
Mr. Dyer,	ay }		
Root,	ay }		

<i>Pennsylvania,</i>		<i>North Carolina,</i>	
Mr. J. Armstrong,	ay	Mr. Penn,	no
Searle,	ay	Hill,	no
M'Lene,	ay	Burke,	no
<i>Maryland,</i>		<i>South Carolina,</i>	
Mr. Plater,	no	Mr. Laurens,	ay
Paca,	no	Drayton,	no
Henry,	ay	<i>Georgia,</i>	div.
<i>Virginia,</i>		Mr. Langworthy,	ay ; ay
Mr. T. Adams,	no		
F. L. Lee,	ay		
M. Smith,	no		
R. H. Lee,	ay		
Griffin,	no		
Nelson,	no		

So it was resolved in the affirmative.

SATURDAY, MARCH 13, 1779.

*Resolved*, That the cloathier general and quarter master general be directed to lay before Congress, without delay, a full account of the sales and distribution of the goods taken from the inhabitants of Philadelphia, when that city was evacuated by the enemy.

A letter, of 7th, from G. Clinton, governor of the State of New York, was read;

Also a letter, of 10th, from General Washington, was read, with a letter enclosed signed James Reed, brigadier general:<sup>1</sup>

*Ordered*, That the same be referred to the Board of War.

The Committee on the Treasury brought in a report; Whereupon,

<sup>1</sup> Clinton's letter is in the *Papers of the Continental Congress*, No. 67, II, folio 184; that of Washington, in No. 152, VII, folio 173.

*Ordered,* That a warrant issue on the treasurer, in favour of William Govett, for one thousand dollars, being in full for his pay as commissioner in the chamber of accounts, from the 3d November, 1778, to the 2d March, 1779, inclusive.<sup>1</sup>

That a warrant issue on the treasurer, in favour of Robert Morris, Esq. for twenty thousand six hundred and fifty dollars and 52/90, in discharge of a bill drawn by his excellency, J. Trumbull, governor of Connecticut, the 11 of February last, in favour of Monsr. Holker, and endorsed by him to Mr. Morris; the said State to be accountable.<sup>2</sup>

The commissioners of accounts report,

That there is due to Colonel Jacob Stroud, for the pay, mileage, &c. of his corps of Northampton county militia, for the months of January and February, 1777, a ballance of one thousand nine hundred and fifty five dollars and 28/90ths.

That there is due to the reverend Mr. Lotbinier, as chaplain to Colonel J. Livingston's regiment, his pay and subsistance, from the 11th February, to the 10 instant, inclusive, sixty dollars.

That there is due to Mary Hurrie, for her services, sweeping and making fires in the Secretary's office up to the month of February, eighty six dollars.

That there is due to Colonel le chevalier Failly, his pay and subsistance, for the month of December last, one hundred and twenty five dollars, to be paid to Mr. de la Colombe.<sup>3</sup>

<sup>1</sup> This report, dated March 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 159.

<sup>2</sup> This report, dated March 11, is in the *Papers of the Continental Congress*, No. 136, III, folio 165.

<sup>3</sup> This report, dated March 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 161.

*Ordered*, That the said accounts be paid.

The committee, to whom was referred the petition of Claver Taylor, late of Jamaica but now of the State of Rhode island, &c. report, that having examined into the state of the facts set forth in the said petition, they find that the same are truly represented; Whereupon,

*Resolved*, That the petitioner have a permission to go to the island of Jamaica and import into any of the ports in the United States not in possession of the enemy, either the whole, or any part of his property and effects, and that his person and property be secure from capture or detention by any continental or private ships of war belonging to the United States, and his effects from seizure or confiscation when landed, or in their conveyance through any of the said states to the said State of Rhode island, [and that proper passports be granted to him for that purpose.]<sup>1</sup>

The committee to whom was referred the letter from Johnson Smith brought in a report, which was read:

The Committee to whom was referred, Johnson Smith's letter, charging Colonel Benj<sup>a</sup> Flowers and others, Superintending the public Works at Carlisle, with sundry abuses of trust reposed in them; report as follows:

That Johnson Smith was appointed contractor for Lumber, and other materials for carrying on the public works at Carlisle, by resolution of Congress, bearing date, November 11<sup>th</sup>, 1776; under which appointment it appears he purchased sundry timber Trees from divers persons at ten shillings each, and procured 106 timber Trees to be cut from Colonel Flowers' land in 1777. In the Account rendered Colonel Flowers, he charged the whole at 10/ each, the price Smith had given others, but that price not being satisfactory to Colonel Flowers, he has charged 20/ for the 106 Trees cut from his own land.

Colonel Flowers in support of said charge of 20/ per Tree, has produced testimony from other contractors of the same Department,

<sup>1</sup>This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, VI, folio 18. The words in brackets were not in the original report.

that they have not purchased any timber trees for less than 20/, and by much the greater part in the year 1778, as high as 40/. He has also produced authenticated testimony, that his Account was exhibited against the public and the price of 20/ charged many months before Smith delivered him the Account: in which M<sup>r</sup> Smith estimated them at 10/ each; and that Colonel Flowers' Account so exhibited, was made out, from an account of the number of trees previously furnished by said Smith's clerk: And it appears to Your Committee, that said Smith did not keep any regular books, but relied altogether on his memory, and a rough memorandum book, in consequence of which, his Account is so incorrect, that it could not be admitted, as a proper voucher.

Johnson Smith in a general charge against the Officers Superintending the said works, asserts that the quantity of coal for which the public has been charged more the £1800 might have been procured for £300. The only testimony he has introduced, to support said allegation, is the deposition of Felix Cortilow, declaring that he has heard said Smith urge the laborers in the coal business to be more attentive to their duty, to which said Colliers replied that they were not under his direction, and should look up to M<sup>r</sup> Sergeant for orders, and that if they satisfied M<sup>r</sup> Sergeant they complied with their duty. Your Committee are likewise furnished with a certificate signed Tho<sup>o</sup> Willie, Captain of Artillery and Artificers, declaring that during the time J. Smith Superintended the Colliers Department, that said Smith was so negligent of his duty, that the workmen were idle eleven days for want of coals, occasioned as alledged by Smith, by the idleness of the Colliers, but from the information given to said Willie by said Smith's Son, it appeared to have proceeded from neglect or deficiency in hauling the wood, altho' Smith was on the Spot, and drew pay from the public for two of his own Wagons, which were kept solely for that purpose.

Lastly, said Smith has asserted in charge against Colonel B. Flowers, that the Scantling and boards sawed at the Saw Mill, are charged at full price to the public notwithstanding the said Mill was erected at public expence. This allegation is entirely without support: and the Board of War has furnished ample testimony to your Committee, that Colonel Flowers has repeatedly proposed to that Board, that said Mill should be public property, which proposals were as often rejected; it being the opinion of the said Board, that it would be attended with much less expence to purchase the scantling and boards, than to erect the said Mill. But on enquiry we find, that a number of logs cut from

Colonel Flowers' land, were used in building the Saw Mill, and that there was about 30 gallons of whiskey, and some rations found for the people who worked on said Mill, which Colonel Flowers does not at present know are credited in his Account, and if not, he ought to give credit therefor.

Upon the whole your committee are of opinion, that nothing appears to warrant the suggestions in the letter of said Smith, insinuating fraudulent designs in Colonel B. Flowers; and that he was induced to write the same rather from Motives of private and personal Resentment, than of public Spirit.<sup>1</sup>

*Ordered*, That a copy of the state of facts therein be referred to the auditor general.

The committee, to whom was referred the memorial of Doctor J. Morgan, late director general and physician in chief in the general hospital of the United States, brought in a report, which was read:<sup>2</sup>

*Ordered*, To lie on the table for the perusal of the members, to be taken into consideration on Thursday next.

A representation to the committee of the general assembly of Pennsylvania, respecting the five companies ordered to be raised for the defence of the western frontiers, was read; Whereupon, on motion,

*Resolved*, That the resolution of the 25 of February last, for raising five companies for the defence of the western frontiers, be reconsidered.

A motion was then made, that the resolution, with the representation, be referred to a committee: passed in the negative.

A question of order was then taken, whether a determination to reconsider a resolution involves a repeal of the said resolution.

<sup>1</sup>This report, in the writing of Whitmill Hill, is in the *Papers of the Continental Congress*, No. 19, V, folio 355.

<sup>2</sup>See under June 12, post.

On which the yeas and nays being required by Mr. G[ouverneur] Morris,

<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. Gerry,	no	Mr. Plater,	no
Lovell,	no } no	Paca,	no }
Holten,	no }	Carmichael,	ay }
<i>Rhode Island,</i>		Henry,	no }
Mr. Cllins,	no } no	<i>Virginia,</i>	
<i>Connecticut,</i>		Mr. T. Adams,	ay
Mr. Dyer,	no } no	F. L. Lee,	no }
Root,	no }	Smith,	no } ay
<i>New York,</i>		Griffin,	ay
Mr. Jay,	ay	Nelson,	ay
Duane,	no } div.	<i>North Carolina,</i>	
Morris,	ay }	Mr. Penn,	ay
Floyd,	no }	Hill,	ay }
<i>New Jersey,</i>		Burke,	no }
Mr. Witherspoon,	no } *	<i>South Carolina,</i>	
<i>Pennsylvania,</i>		Mr. Laurens,	no }
Mr. Armstrong,	no }	Drayton,	ay }
Shippen,	no }		div.
M'Lene,	no }		

So it passed in the negative.

A motion was made, to repeal the resolution for raising the five ranging companies; whereupon, a question of order was taken,

Whether, if the question on the motion for repealing passes in the negative, the resolution under reconsideration will then be open to amendments.

On which the yeas and nays being required by Mr. G[ouverneur] Morris,

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Whipple,	ay } ay	Mr. Collins,	ay }
<i>Massachusetts Bay,</i>		Ellery,	no } div.
Mr. Gerry,	no	<i>Connecticut,</i>	
Lovell,	ay } ay	Mr. Dyer,	no }
Holten,	ay }	Root,	no }

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<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay,	ay	Mr. T. Adams,	no
Duane,	ay	F. L. Lee,	ay
G. Morris,	no	M. Smith,	no
Floyd,	ay	Nelson,	no
<i>Pennsylvania,</i>		<i>North Carolina,</i>	
Mr. Armstrong,	ay	Mr. Penn,	no
Shippen,	ay	Hill,	no
M'Lene,	ay	Burke,	ay
<i>Maryland,</i>		<i>South Carolina,</i>	
Mr. Plater,	ay	Mr. Laurens,	ay
Paca,	ay	Drayton,	ay
Carmichael,	ay		
Henry,	ay		

So it was resolved in the affirmative.

The question put for repealing: passed in the negative.

After some farther debate,

Adjourned to 10 oClock on Monday.

#### MONDAY, MARCH 15, 1779

A letter, of 11, from General Washington, and a letter, of 11, from N. Greene, Q. M. G., were read.

A letter, of 13, from President J. Reed, of Pennsylvania, was read, desiring that Frederick Verner may be delivered to the sheriff of the city.<sup>1</sup>

*Resolved*, That the keeper of the state prison be directed to deliver the said F. Verner to the sheriff of the city of Philadelphia.

A letter, of this day, from S. Deane, was read; Whereupon,

*Ordered*, That the committee of 13 on Foreign Affairs report on Friday next.

<sup>1</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 177; that of Greene, in No. 155, I, folio 115; that of Reed, in No. 69, II, folio 15.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Mr. W[hitmill] Hill and Mr. T[homas] Burke, delegates of the State of North Carolina, on their application, for six thousand dollars, for which the said State is to be accountable.<sup>1</sup>

*Resolved*, That whenever any motion, or resolution shall be entered upon the journals of Congress, the names of the persons moving and seconding the same shall also be entered thereon.

The Board of War brought in a report, which was taken into consideration; Whereupon,

WAR OFFICE, *March 13<sup>a</sup>, 1779.*

The corps of light Dragoons, Artillery, additional battalions, and some other corps, not having been by Congress apportioned on any particular States, to be considered as parts of their respective quotas, have generally been precluded from the benefits of the provisions made by several States for the immediate relief of their own troops. But besides the clothing and refreshments furnished at moderate prices, some States have made generous provision for the families of Officers and soldiers while in the Army, and to reward (or compensate) their services at the close of the War. These considerations do, in the opinion of the Board, require that these separate corps should be annexed to the States in which they were raised, and considered as parts of their respective quotas; or where they contain a mixture of Men belonging to or enlisted in several States, that each should be credited for their own. This will at the same time lead to a more equal distribution of the burthen of raising the troops among the several States. It will also point out the immediate patrons of those unfortunate Men not proper inhabitants of any of the States, who shall be maimed or disabled in the service, and who are entitled to half pay during life.

The disadvantages these corps labour under have for a considerable time been a subject of complaint among them all: and therefore instead of a particular provision in the case of Col Sheldon's regiment, lately referred to the Board, We beg leave to report a general resolution for the whole:

<sup>1</sup>This report, dated March 13, is in the *Papers of the Continental Congress*, No. 136, III, folio 169.

*Resolved*, That all officers, non-commissioned officers and soldiers, now belonging to the corps of light dragoons, and artillery and infantry, and the corps of artillery artificers, commissioned and enlisted since the 16 of September, 1776, for three years, or during the war, or which shall hereafter be so commissioned and enlisted, not being part of the 88 battalions originally apportioned on the states, be considered as parts of the quotas of the several states to which they did or shall respectively belong when so commissioned or enlisted. And that where it has happened or shall happen, that any non-commissioned officers or soldiers of those corps shall not have gained a settlement in any part of the United States, they shall be considered as belonging to the State in which they were or shall be enlisted, and credited accordingly as part of the quota of such State.<sup>1</sup>

That for the purpose of ascertaining the states to which the officers and soldiers now in the corps aforesaid shall be deemed to belong, the Commander in Chief be directed to cause returns to be made to him without delay, of the names of all the officers, non-commissioned officers and soldiers in the said corps, and the states, counties and towns to which they belonged, or in which they were enlisted as aforesaid; which returns shall be transmitted to the Board of War, who shall send to the respective states lists of the names and ranks of all officers and soldiers to be credited to them as aforesaid. The like returns to be made afterwards, once every three months, of all officers, non-commissioned officers and soldiers, who shall have

<sup>1</sup>"The honorable Congress in their resolves of the 15 March last have been pleased to determine that each State shall have credit, as part of their quotas, for all men in the Corps of Artillery, and Cavalry raised in their respective States. Had they been pleased to have passed one more resolve, vist, That each State in which the companies or battalions were raised should take proper measures immediately to fill up to the establishment said companies and battalions, it would have been effectual." *Knox to Washington, April 6, 1779.* *Washington Papers, Letters to Washington, 31, folio 221.*

entered into these corps after making the said first returns.<sup>1</sup>

Congress was resolved into a Committee of the Whole to consider farther the report of the committee on the communications of the Minister of France, &c., and after some time the President assumed the chair, and, Mr. F[rancis] L[ightfoot] Lee reported that the committee have had under farther consideration the report to them referred, and made some farther progress, but not having come to a conclusion, desire leave to sit again.

*Resolved*, That to morrow Congress be resolved into a Committee of the Whole to consider farther the report.

[Adjourned to 10 oClock to Morrow.]

**TUESDAY, MARCH 16, 1779**

A report from the commissioners on the accounts of J. Nourse, late paymaster to the Board of War and Ordnance, was read:

*Ordered*, That it be referred to the Board of Treasury.

The commissioners farther report that on a settlement of accounts of Thomas Heslip, one of the commissioners appointed by the executive council of Pennsylvania to purchase provisions for the army, in February, 1778, there is due to the said Thomas Heslip the sum of two thousand three hundred and twenty six dollars and 59/90:

PHILADELPHIA March 15<sup>th</sup> 1779

**The Commissioners Report**

That they have examined the accounts of Thomas Heslip one of the Commissioners appointed by the Executive Council of Pennsylvania to purchase provisions for the army in February, 1778; and find that he has purchased provisions to the amount of Fourteen thousand two hundred and seventy one and 78/90 dollars      14,271 78/90

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 123.

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That allowing him a commission on the above sum of two per cent in lieu of all charges, amounts to two hundred eighty five and 39/90 dollars	285 39/90
And he has paid to Samuel Culbertson, another of these Commissioners, by direction of the Council Three Thousand Dollars	3000
<hr/>	
The whole amounting to Seventeen Thousand five hundred and fifty seven and twenty seven ninetieths Dollars	17, 557 27/90
<hr/>	
We also find that he has received of the Council of Pennsylvania Six thousand dollars, and of David Rittenhouse, the State Treasurer, by order of the Council, Nine Thousand Dollars	15, 000
That he has taken for his own use some Flour that was in Casks too weak to bear transportation, to the amount of Two hundred and fourteen and 48/90 dollars	214 48/90
And he gives credit for two sheep that were lost and found again, Sixteen and 12/90 dollars	16 12/90
<hr/>	
The whole amounting to Fifteen Thousand, two hundred and thirty and 60/90 Dollars	15, 230 60/90
Which leaves a balance due to Thomas Heslip of Two Thousand Three hundred twenty six and 57/90 dollars	2, 326 57/90
<hr/>	
	17, 557 27/90

JA<sup>E</sup> MILLIGAN  
R. SMITH<sup>1</sup>

*Ordered*, That the said ballance be paid.

Two letters, of 12, from John Pierce, were read:

*Ordered*, That they be referred to the Board of Treasury.

A letter, of 10 February, from J. Palmer, was read, respecting erecting works for making bay salt:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Samuel] Holten, Mr. T[homas] Adams [and] Mr. [Frederick] Frelinghuysen.

<sup>1</sup>This report, dated March 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 171.

A petition from Gideon Olmstead and Artemas White was read:

*Ordered*, That it be referred to the committee appointed to confer with a committee of the general assembly of Pennsylvania.

A memorial from the hon<sup>ble</sup> S<sup>r</sup> Gérard, minister plenipotentiary of France, was read, respecting the reception of French prisoners received from the enemy:

*Ordered*, That it be referred to the Board of War, and that they take order thereon.

Another memorial from the said Minister was read, respecting the rate of exchange:

*Ordered*, To lie on the table for the consideration of the members, and that the committee who conferred with the Minister on that subject be directed to report in writing the result of their conference.

The committee appointed to confer with the Commander in Chief, brought in a report, which was taken into consideration; and thereupon, Congress came to the following resolutions:

Whereas discontent, loss of discipline, and diminution of the strength of the line, have arisen by employing the continental troops as waggoners; and it will be of public advantage to enlist proper persons for that service during the war:

*Resolved, therefore*, That the Commander in Chief be authorized and directed to take proper measures for causing to be enlisted such a number of waggoners as he shall judge necessary for the service, to continue therein to the end of the war; that each waggoner voluntarily engaging for that period, shall be entitled, in addition to the present monthly pay, cloathing and subsistence, allowed to waggoners, to the same bounties, in all respects, as are granted to volunteers who shall enlist in the conti-

mental battalions for the term of the war: that the quarter master [general] shall establish such regulations for the conduct of the said corps of waggoners as shall be judged expedient, and approved of by the Commander in Chief; in which care shall be taken that regular returns be made to the Board of War of the number of waggoners ordered to be raised, as well as of those who shall actually engage in the service: that the same form, as near as may be, shall be pursued in mustering and paying the said corps of waggoners as is practised with respect to the troops of the line: that the quarter master general be authorized to appoint a pay master and muster master for the said corps of waggoners, and transmit their names, and the regulations hereby authorized to be made to the Board of War, to be respectively registered.<sup>1</sup>

WAR OFFICE, February 5<sup>th</sup>, 1779.

Present, M<sup>r</sup> Peters, M<sup>r</sup> Root and M<sup>r</sup> Pickering.

The Board having considered a letter from General Greene, of the 18<sup>th</sup> ult, referred to them by Congress, relative to the inferior Staff Officers, are entirely of his opinion that they should be exempted from confinement and punishment as common Soldiers, to which they are by some thought liable: and therefore beg leave to report,

*Resolved*, That all warrant officers on the civil staff of the army, be put on the same footing with commissioned officers, in respect to arrests, trials, and punishments.<sup>2</sup>

Whereas the issuing commissaries of provisions are by their appointments attached to particular departments, which, from a change of circumstances, and the position of the army, is become inconvenient:

*Resolved, therefore*, That all issuing commissaries shall, for the future, attend and perform the duties of their

<sup>1</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 33, folio 297.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 33.

Office, at such places and with such detachments of the army as shall be directed by the Commander in Chief or commissary general of issues.<sup>1</sup>

Congress was resolved into a Committee of the Whole to consider farther the report of the committee on the communications of the Minister of France, &c., and after some time the President resumed the chair and Mr. F[rancis] L[ightfoot] Lee reported that the committee have had under their farther consideration the report of the committee to them referred and made some farther progress, but not having come to a conclusion desire leave to sit again.

*Resolved*, That to morrow at 12 o Clock Congress be resolved into a Committee of the Whole to consider farther the report of the committee on the communications, &c.<sup>2</sup>

Adjourned to 10 oClock.

**WEDNESDAY, MARCH 17, 1779**

After reading the journal of yesterday, a motion was made by Mr. [Henry] Laurens and seconded by Mr. S[amuel] Adams,

That a member from Massachusetts bay be added to the Committee on Foreign Affairs, in the room of Mr. [Elbridge] Gerry:

After debate, it was moved by Mr. [James] Duane, and seconded by Mr. [Henry] Laurens, that the consideration of the motion under debate be postponed until Mr. [Elbridge] Gerry comes in, and on the question for postpon-

<sup>1</sup>These two paragraphs, in the writing of James Duane, are in the *Papers of the Continental Congress*, No. 33, folio 305.

<sup>2</sup>A letter of John Rutledge to the South Carolina delegates, dated February 23, is in the *Papers of the Continental Congress*, No. 72, folio 481, and is endorsed as read on this day.

ing, the yeas and nays being required by Mr. G. Morris [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple,	ay } ay	Mr. Armstrong,	ay }
Frost,	ay }	Shippen,	ay }
<i>Massachusetts,</i>		McLene,	ay }
Mr. S. Adams,	ay }	<i>Maryland,</i>	
Lovell,	ay }	Mr. Plater,	no }
Holten,	ay }	Paca,	no }
<i>Rhode Island,</i>		Henry,	no }
Mr. Ellery,	ay }	<i>Virginia,</i>	
Collins,	div.	Mr. T. Adams,	ay }
<i>Connecticut,</i>		Smith,	no }
Mr. Dyer,	ay }	R. H. Lee,	ay }
Root,	div.	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Penn,	no }
Mr. Jay,	ay }	Hill,	no }
Duane,	ay }	<i>South Carolina,</i>	
G. Morris,	ay }	Mr. Laurens,	ay }
Floyd,	ay }	Drayton,	div.
<i>New Jersey,</i>		<i>Georgia,</i>	
Mr. Witherspoon,	ay } *	Mr. Langworthy,	no }

So it was resolved in the affirmative.

On motion by Mr. S[amuel] Adams, seconded by Mr. [James] Duane,

*Resolved*, That the bill in favor of Captain Landais, be drawn on the Minister Plenipotentiary of the United States of America at the Court of France, and that the bills be drawn at ninety days sight.

A memorial from Jesse Brown was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of the 12, from W[illiam] Graham, and one of this day from B. Arnold, brigadier general, were read:<sup>1</sup>

On motion by Mr. Gouverneur Morris, and seconded by Mr. [John] Witherspoon,

<sup>1</sup> The letter of Graham is in the *Papers of the Continental Congress*, No. 78, X, folio 141; that of Arnold is in No. 162, folio 185.

*Resolved*, That a committee of three be appointed to prepare and report an account of such of the intelligence received lately from Europe as it may be proper to publish:

The members chosen, Mr. G[ouverneur] Morris, Mr. [John] Witherspoon, and Mr. [William Henry] Drayton.

The committee, to whom was referred the letter of the 25 January, from his excellency Jos. Reed, Esq. president of Pennsylvania, and also the letter, of the 12 of February, from General Arnold, enclosing certain proceedings against him by the executive council of Pennsylvania, brought in a report, which was read:

The Committee to whom was referred the letter, of the 25<sup>th</sup> January, from His Excellency Joseph Reed, Esqr. President of Pennsylvania; And also the letter, of the 12<sup>th</sup> of February, from General Arnold, enclosing certain proceedings against him by the executive Council of Pennsylvania, beg leave to report:

That your Committee find in the said proceedings eight specific charges against the said General numerically stated under the description of reasons, among which are included the charges contained in the said President's letter, which said proceedings are herewith delivered, to which your Committee beg leave to refer.

Your Committee are of opinion that the first, second, third and fifth charges are offences, triable only in a Court Martial.

That the fourth charge is an offence of a civil nature, triable only in a common law court.

That the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> charges are offences not triable by a Court Martial or common law court, nor subject to any other punishment than the displeasure of Congress and the consequences of it.

That the Executive Council of Pennsylvania on application, furnished your Committee with several depositions and other evidence on the 5<sup>th</sup> and 7<sup>th</sup> charges, which your Committee herewith deliver and beg leave to refer to.

That the said Executive Council tho repeatedly applied to by your Committee decline giving any evidence on the rest of the charges contained in the said proceedings; that several letters have passed between

a Committee of the said Council and your Committee on the said subject, which are herewith delivered and to which your Committee beg leave to refer.

That your Committee after several fruitless applications to the said council for evidence, and after waiting for it near three weeks, resolved on the 3<sup>d</sup> instant to close their enquiries on the 5<sup>th</sup>; That the said Committee of Council and General Arnold were notified of it; That the said Committee were again prest to furnish the evidence by the time notified to them; That they still declined to do it; that on the 5<sup>th</sup> agreeable to their notification, your Committee closed their enquiries, after having received such testimony as the said General Arnold requested leave to give in vindication of himself, which said testimony is herewith delivered and to which your committee beg leave to refer.

On consideration of the said several charges and the whole evidence and testimony with which your Committee have been furnished, they report the following resolutions to wit:

*Resolved*, That with respect to the first and second charges contained in the proceedings of the said Executive Council, no evidence appears tending to prove the same, and that the said charges are fully explained and the appearances they carry of criminality fully obviated by clear unquestionable evidence.

*Resolved*, That with respect to the third charge, General Arnold having admitted it in the single case of a militia Serjeant, the same be transmitted to the Commander in Chief with the papers thereto relating, in order to be proceeded upon according to Martial law.

*Resolved*, That with respect to the fourth charge no evidence appears to prove the same, and that it is of a civil nature and triable only in a common law court.

*Resolved*, That with respect to the fifth charge the same be transmitted to the Commander in Chief, with the depositions and other evidence thereto relating, in order to be proceeded upon according to martial law.

*Resolved*, That with respect to the sixth charge the recommendatory letter on which it is founded is not within the spirit or meaning of the resolve of Congress referred to, and therefore neither a violation of the Resolve nor an usurpation of authority.

*Resolved*, That with respect to the 7<sup>th</sup> charge altho' the letter of General Arnold declining to give the satisfaction and information

required by the Executive Council, is not express in terms of perfect civility, yet that it is not express in terms of indignity; that the after conduct of the said Executive Council towards the said General and the unexampled measures they took to obtain satisfaction, totally and absolutely preclude all right to concessions or acknowledgements.

*Resolved*, That with respect to the eighth charge no evidence appears to prove the same.<sup>1</sup>

*Ordered*, That the same be taken into consideration on Monday next.

The delegates for Pennsylvania laid before Congress a letter directed to them, dated "In Assembly, March 17," and signed "by order of the house" to the committee, Robert Morris, Joseph Gardner, John Smilie, Stephen Chambers, which was read:<sup>2</sup>

*Ordered*, That it be referred to the committee on the letter of the 4 from the speaker of the general assembly of Pennsylvania to the delegates of that State in Congress.

A memorial of Alexander McNutt and others was read:<sup>3</sup>

*Ordered*, That it be referred to the committee of the whole on the report of the committee on communications, &c.

The committee appointed to confer with the Minister of France, according to order, reported the substance and result of their conference, which was read:

The Committee appointed to confer with the Minister of France, on the subjects of supplies for the fleet of his Most Christian Majesty, and of the rise of bills of exchange, beg leave to report to Congress the minutes of their conference which are hereunto annexed.

<sup>1</sup> This report, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 19, I, folio 103. A copy was sent to General Arnold, who commented upon it in a letter to Washington, of April —, 1779. *Washington Papers, Letters to Washington*, 32, folio 110.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 137, Appendix, folio 249.

<sup>3</sup> This memorial, dated March 15, is in the *Papers of the Continental Congress*, No. 41, VI, folio 121. It is also signed by Phineas Nevers and Samuel Rogers.

Minutes of conference. } J[ames] D[uane] and M<sup>r</sup> Hutson for Congress  
3, Feby., 1779. } and the Minister of France.

Conference opened in behalf of Congress by the Committee.

First Subject. The State of the Country as to bread.

I. In general plentiful, now shortened by the following circumstances:

1. Many farmers employed in the war.
2. Husbandry discouraged for want of Markets.

II. Large demands.

- a. Losses of magazines.
- b. Increase of consumption to the Eastward.
- c. By Burgoyne's army.
- d. French fleet.
- e. Our own army.
- f. Ravages of the Indians, burning grain and driving off the frontier Inhabitants.
- g. Arts of our enemies.
- i. Fly and floods.
- j. Frauds of Forestallers.
- k. Southern war.

That on Ministers application Congress appointed a Committee to examine into the State of provisions.

A. Their report to Congress.

On official information of Commissary General.

B. Their sentiments doubtful.

C. Further information sought for. This the occasion of delay.

In conclusion we offered

1. Immediate supply of 1000 Bbls. of flour in Virginia,
2. Further aid according to circumstances, and to exert ourselves to draw forth the remains of flour into the public stores.
3. Submitted whether it will not be wise for the Minister to look for supplemental aid from Europe.

~~4 And he not to purchase.~~

Second Subject of Conference, on bills of Exchange. We represented:

- I. The high confidence Congress place in the King and his Minister.
- II. The embarrassed state of our finances.
- III. How affected by bills of exchange.
- IV. That we were appointed to consult with him on the means of avoiding the impending evils to our currency from the rise of exchange.

The Minister on first subject of conference:

He declares he is sensible of good Intentions of Congress, Entertains the highest confidence of them, Has received constant proofs. As to the flour he received repeated Offers and Promises of a Supply from the Marine Committee. Some delays in the delivery on former occasions. Seems to be apprehensive of Mismanagement in executive officers. Has had offers of a supply of 3000 bbls. in Penn<sup>s</sup>, and other offers from the Southward. Refrained from accepting them lest it might embarrass Congress. Will not either ascertain the measure of his demand, or wish Congress to ascertain the measure of their Supply. Depends upon their doing all in their power to assist him. Is something relieved from accounts that the Count D'Estaing has rec'd. 60 sail of transports, under convoy of four ships of the Line from Europe. Will give orders for disposing of the 1000 Bbls. Flour.

Minister on second Subject of Conference:

Expresses his pleasure at the confidence Congress place in his disposition to serve these States. The rise of exchange had alarmed him, as he saw it would affect our paper money. He has frequently conferred on the subject with M<sup>r</sup> Holker. Was surprized to find a disposition in our Capital Merchants to raise the exchange. Advised M<sup>r</sup> Holker to draw sparingly. Did not think it proper unasked to give his sentiments to Congress, tho' he saw the necessity of some provision on the subject. Will do every thing consistent with prudence and justice. Wishes for a conference between Count D. commtee, himself and M<sup>r</sup> Holker, who is a good Judge of this business. Can propose nothing decisively; but will give all his aid. His general remarks not to govern us, but the result upon further conference.

Upon this we agreed to meet tomorrow evening at 7 o C at the Minister's, with M<sup>r</sup> Holker. Substantially the Conference.

JAS. DUANE,  
RICHARD HUTSON,  
*Committee.*

4<sup>th</sup> February

Committee and the Minister, attended by M<sup>r</sup> Holker. A free conversation ensued without formality. The Minister repeated his good intentions.

M<sup>r</sup> Holker wished to know how the flour delivered for his Most Christian Majesty's fleet would be charged, whether at the price at Boston, or the first costs and charge of carriage.

We replied that we were confident Congress were far from wishing to make profit on the supplies, and that the account would be settled on equitable and generous principles.

The Minister enquired to what exchange Congress wished the Bills of Exchange to be restricted? We first mentioned between 8 and 900 per cent; afterwards declared that we believed it would give satisfaction if they could be limited at 900 per cent. Both the Minister and M<sup>r</sup> Holker agreed that they would fix it on their bills at 900 per cent for the present, and if circumstances required an alteration, it should be previously mentioned to the Committee or Congress. We promised to give orders for collecting the accounts of supplies for the French Fleet, and M<sup>r</sup> Holker promised to draw up a plan for disposing or negotiating the bills in such a way as best to answer the purposes intended.

RICHARD HUTSON  
JAS. DUANE.<sup>1</sup>

*Ordered,* To lie upon the table for the perusal of the members.

Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported that the committee have had under their farther consideration the report of the committee on the communications from the Minister of France, and have come to sundry resolutions thereon, which he was ready to report.

The report from the Committee of the Whole being read,

That the thirteen united states are bounded *North* by a line drawn from the north west angle of the boundary of Nova Scotia along the highlands, which divide the rivers that empty themselves into the river S<sup>t</sup> Lawrence from those which fall into the Atlantic to Connecticut river, thence down that river to the 45<sup>th</sup> degree of north latitude, thence in that latitude to the river S<sup>t</sup>. Lawrence, thence to the south end of the lake Nipissing and thence to the source of the Mississippi. West, by a line drawn along the middle of the river Mississippi from its source to that part of the said river which lies in latitude 31 degrees north from the equator, then by a line drawn due east to the river Apalachicola or Catahouche, thence to the junction thereof with the Flint river, thence in a strait line to the head of S<sup>t</sup>. Mary's river, and

<sup>1</sup> These minutes, in the writing of James Duane, are in the *Papers of the Continental Congress*, No. 25, I, folio 75.

thence by a line along the middle of S<sup>t</sup>. Mary's river to the Atlantic Ocean: East by a line drawn along the middle of the river S<sup>t</sup>. John from its mouth to its source or by a line to be settled and adjusted between that part of the State of Massachusetts Bay formerly called the Province of Maine and the Province of Nova Scotia agreeably to their respective rights, comprehending all islands within twenty leagues of any part of the shores of the United States between lines drawn due East from the point, where their boundary lines between Nova Scotia on the one part, and Florida on the other part shall touch the Atlantic Ocean, Provided that if the line to be drawn from lake Nipissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose then that a line or lines may be drawn more southerly so as not to be Southward of a line drawn in the 45<sup>th</sup>. degree of North latitude—so far as the western shore of lake Michigan, nor to the south of 46 degrees of north latitude beyond that lake and so as to reserve the free navigation of the lakes Huron, Michigan and Superior to the subjects of the United States.<sup>1</sup>

2. That every port and place within the United States and every island, harbour and road to them or any of them belonging be absolutely evacuated by the land and sea forces of his britannic Majesty and yielded to the powers of the States to which they respectively belong.

3. That a common right in these States to fish on the coasts, bays and banks of Nova Scotia, banks of Newfoundland, and gulph of St. Lawrence, coast of Labrador and streights of Bellisle, be acknowledged, and in case of refusal, that the war be continued unless the circumstances of our Allies shall be such as to render them utterly unable to assist in the prosecution of the war; in which case, as ample priviledges in the fishery be insisted on as can possibly be obtained: That in case Great Britain should not be prevailed upon either to cede or declare Nova Scotia independent, the priviledge of curing fish on the shores and in the harbours of Nova Scotia be required.<sup>2</sup>

4. That the navigation of the river Mississippi be acknowledged and ratified absolutely free to the subjects of the United States.

<sup>1</sup> This paragraph, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 38, III, folio 503.

<sup>2</sup> On folio 498 is a paper in the writing of John Jay, which appears to be the first form of this paragraph. The differences are: For "common right" read "equal right"; for coasts, bays and banks of" read "coasts of", and for "continued unless", &c., read "continued, unless our Allies shall absolutely refuse and threaten to make a separate peace."

*Ordered*, That the consideration thereof be postponed till to morrow.

The Committee on the Treasury brought in a report, which was read; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Chiswell Barrett, for fifteen thousand dollars, in payment of a bill, of 12 instant, in his favour, drawn on the President of Congress by John Pierce, assistant paymaster to William Palfrey, Esq. paymaster general, who is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Eliphalet] Dyer and Mr. [Jesse] Root, delegates from the State of Connecticut, for six thousand dollars, on their application; the said State to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [John] Witherspoon and Mr. [Frederick] Frelinghuysen, delegates from the State of New Jersey, for twelve hundred dollars, on their application, the said State to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one million of dollars, to be by him transmitted to John Pierce, assistant paymaster to William Palfrey, paymaster general, who is to be accountable.<sup>1</sup>

*Resolved*, That the remainder of the report be postponed.

Adjourned [to 10 o Clock to Morrow].

<sup>1</sup>This report, dated March 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 181. The part postponed related to an issue of loan office certificates to Elias Boudinot. See under March 19, post.

THURSDAY, MARCH 18, 1779

A letter, of 15, from General Washington, was read; Whereupon,<sup>1</sup>

The committee appointed to confer with the Commander in Chief brought in a report, which was taken into consideration; and sundry amendments being made,

*Ordered*, That the report, together with the amendments, be recommitted.

A memorial from the Minister Plenipotentiary of France was read.

A letter, of 5, from Major General Schuyler, was read, desiring a compliance with his request for leave to resign, and also giving information that a part of the Onondagas have separated from the enemy, and joined the Oneidas, &c.<sup>2</sup>

A motion was made by Mr. [Elbridge] Gerry, and seconded by Mr. [Eliphalet] Dyer, that the resignation of General Schuyler be accepted.

To which an amendment was moved by Mr. [Thomas] Burke, and seconded by Mr. [Elbridge] Gerry,

That the President be directed to inform General Schuyler, that Congress are very desirous of retaining him in the service, especially in the present situation of affairs; but, if the state of his health is such as that he judges it absolutely necessary to retire, Congress, though reluctantly, will acquiesce and admit his resignation.

On the question, that this be received as a substitute, the yeas and nays being required by Mr. [James] Lovell,

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 183. It is printed in *Writings of Washington* (Ford), VII, 363.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 428.

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple, Frost,	no } no	Mr. Armstrong, Searle, M'Lene,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	no }
Mr. Gerry, Lovell, Holten,	ay } no } no no }	Mr. Plater, Carmichael, Henry,	no } no no }
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery, Collins,	no } no	Mr. T. Adams, M. Smith, R. H. Lee, Nelson,	no }
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Dyer, Root,	no } no	Mr. Penn, Hill, Burke,	ay }
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Jay, Duane, Floyd, Lewis,	no } no } no no }	Mr. Laurens, Drayton,	no } no
<i>New Jersey,</i>		<i>Georgia,</i>	
Mr. Witherspoon, Frelinghuysen, Fell,	ay } no } no no }	Mr. Langworthy,	no } no

So it passed in the negative.

Another amendment was moved by Mr. [Meriwether] Smith, and seconded by Mr. [Edward] Langworthy,

That the President be directed to acquaint Major General Schuyler, that the situation of the army renders it inconvenient to accept his resignation, and therefore Congress cannot comply with his request.

On the question, that this be received as a substitute, the yeas and nays being required by Mr. [James] Lovell,

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Whipple, Frost,	no } no	Mr. Ellery, Collins,	no } no
<i>Massachusetts Bay,</i>		<i>Connecticut,</i>	
Mr. Gerry, Lovell, Holten,	no } no no }	Mr. Dyer, Root,	no } no

<i>New York,</i>			<i>Virginia,</i>	
Mr. Jay,	ay		Mr. T. Adams,	ay
Duane,	ay	ay	Smith,	ay
Floyd,	ay		R. H. Lee,	ay
Lewis,	ay		Nelson,	ay
<i>New Jersey,</i>			<i>North Carolina,</i>	
Mr. Witherspoon,	no		Mr. Penn,	ay
Frelinghuysen,	ay	ay	Hill,	ay
Fell,	ay		Burke,	no
<i>Pennsylvania,</i>			<i>South Carolina,</i>	
Mr. Armstrong,	no		Mr. Laurens,	no
Searle,	no	no	Drayton,	ay
M'Lene,	no		<i>Georgia.</i>	div.
<i>Maryland,</i>			Mr. Langworthy,	ay } ay
Mr. Plater,	ay			
Carmichael,	ay	ay		
Henry,	ay			

So it was accepted.

Upon the question to agree to the amendment as a resolution, the yeas and nays being required by Mr. [Eliphalet] Dyer,

<i>New Hampshire,</i>			<i>New Jersey,</i>	
Mr. Whipple,	no		Mr. Witherspoon,	no
Frost,	no	no	Frelinghuysen,	ay
<i>Massachusetts Bay,</i>			Fell,	ay
Mr. Gerry,	no		<i>Pennsylvania,</i>	
Holten,	no	no	Mr. Armstrong,	ay
Lovell,	no		Searle,	no
<i>Rhode Island,</i>			M'Lene,	no
Mr. Ellery,	no		<i>Maryland,</i>	
Collins,	no	no	Mr. Plater,	ay
<i>Connecticut,</i>			Carmichael,	ay
Mr. Dyer,	no		Henry,	ay
Root,	no	no	<i>Virginia,</i>	
<i>New York,</i>			Mr. T. Adams,	ay
Mr. Jay,	ay		M. Smith,	ay
Duane,	ay	ay	R. H. Lee,	ay
Floyd,	ay		Nelson,	ay
Lewis,	ay			

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<i>North Carolina,</i>		<i>South Carolina,</i>	
Mr. Penn,	ay	Mr. Laurens,	no
Hill,	ay } ay	Drayton,	ay } div.
Burke,	no	<i>Georgia,</i>	
		Mr. Langworthy.	ay } ay

So it was resolved in the affirmative.

*Ordered,* That the remainder of the letter from General Schuyler be referred to the Board of War.

Mr. [James] Duane laid before Congress an extract of a letter, of 7th, from Major General Schuyler.<sup>1</sup>

*Ordered,* That the same be referred to the Board of War, and that they supply the articles for Indian presents mentioned in the said letter.

The committee, to whom was referred the application of the hon<sup>ble</sup> assembly of Pennsylvania, for the loan of money, brought in a report:

Your Committee to whom was referred the application of the Honorable Assembly of the State of Pennsylvania for the Loan of money &c, report as follows:

That having taken the said request under consideration, the necessity the State of Pennsylvania is under for the money, and the laudable Purposes for which it is designed, esteemed it necessary to apply to the Board of Treasury for information respecting their abilities to supply the money required, and having received that information in writing, representing that such is the state of the public Treasury, that they are compelled to declare that it is out of their power to promise the said supply,

Thereupon, the Committee are of opinion, that however disposed Congress may be to gratify the State of Pennsylvania in its request, yet for the Reason above it cannot at this time be granted.<sup>2</sup>

<sup>1</sup> A copy of this extract, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 147, III, folio 175.

<sup>2</sup> This report, in the writing of \_\_\_\_\_ is in the *Papers of the Continental Congress*, No. 20, II, folio 39. The following letters were exchanged by two committees on the subject, and are on folios 49-51.

PHILADELPHIA, March 17<sup>th</sup>, 1779.

SIR, The Committee to whom the letter from the Speaker of the assembly of Pennsylvania, upon the subject of borrowing a sum of Money of Congress was

*Ordered*, That the consideration thereof be postponed till to morrow.

On motion by Mr. [Henry] Laurens, seconded by Mr. [Edward] Langworthy,

*Resolved*, That a committee of five be appointed to take into consideration the circumstances of the southern states, and the ways and means for their security and defence, and report thereon to Congress without delay.

The members chosen, Mr. [Thomas] Burke, Mr. [Henry] Laurens, Mr. [Thomas] Nelson, Mr. [John] Armstrong, and Mr. [Eliphalet] Dyer.

Adjourned to 10 o Clock to Morrow.

referred, cannot proceed upon that business until they shall be furnished with a state of the Treasury. I must therefore beg that you will furnish the Committee with such information as you have in your power, and also whether you think it possible for Congress to grant this requisition, and comply with their other engagements.

I am Sir, your Obedient Servt:

GEO: PLATER

To The Honb<sup>le</sup> JAMES DUANE Esq<sup>r</sup>

SIR, Besides the satisfaction it would give the Committee on the Treasury to see a Requisition that a sister State has at Heart, complied with, on principles of Policy, we would wish there should be no other paper currency than Continental. But such is the state of demand on the public Treasury, and such the exertions which must be necessary to preserve the public faith and fulfil our obligations, that we are compelled to declare, that it is out of our power to promise the supply of money requested by the Honorable assembly of Pennsylvania. We are directed to emit 52,000,000, which must be delivered out the 1<sup>st</sup> of August, to exchange the two Emissions called of May, 1777, and April, 1778, and for other purposes. There are 15,000,000 in arrear, for a great part of which warrants are issued. The supplies on opening the Campaign are to be provided for and will be large, and it will be with the utmost difficulty and by the most strenuous exertions, that money can be emitted in time for these great and various demands.

I am Sir, Your Most Obedient Servt  
for self, M<sup>r</sup> Gerry, and M<sup>r</sup> Carmichael, M<sup>r</sup> Griffin and M<sup>r</sup> Langworthy and M<sup>r</sup> Frelinghuysen, the Committee on the Treasury

JA: DUANE.

PHILADA. 17<sup>th</sup> March, 1779.

The Hon<sup>b</sup> GEORGE PLATER, Esq<sup>r</sup>.

**FRIDAY, MARCH 19, 1779**

A petition of Walter Bicker, and a petition from Robert Byers, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of 17, from B. P. Smith, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 18, from Major General Arnold, was read,<sup>1</sup> informing that for the recovery of his health and wounds, and for the settlement of his public as well as private affairs he has, with the permission of General Washington, resigned his command in the city of Philadelphia to Brigadier General Hogan.

A letter, of this day, from Thomas Paine, was read, requesting to be "furnished with a copy of his appointment to the office of secretary to the Committee of Foreign Affairs," and a copy from the journal of "whatever else refers to him from January 5, 1779, to the resolution of Congress for taking the papers of the Committee of Foreign Affairs out of his keeping."

*Ordered*, That the consideration thereof be postponed.

A letter, of 27 February, from Baron Steuben was read.

A memorial of Monsr. Galvan was read,<sup>2</sup> praying to be appointed colonel in the service of the United States, and to be permitted on terms proposed to raise an independent corps, or in case this cannot be obtained, to be appointed sub-inspector with the rank of lieutenant colonel.

*Resolved*, That the President inform Mr. Galvan that Congress cannot comply with his request for leave to raise an independent corps.

<sup>1</sup> Bicker's memorial, dated March 17, is in the *Papers of the Continental Congress*, No. 42, I, 169; the letter of Arnold is in No. 162, folio 169.

<sup>2</sup> Steuben's letter is in the *Papers of the Continental Congress*, No. 164, folio 169; the memorial of Galvan, dated March 17, is in No. 41, III, folio 436.

*Ordered*, That so much of the said memorial as prays for the appointment of inspector be referred to the Board of War.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasury in favour of Major General Baron de Kalb, for six hundred and forty dollars in full for the extra expences of himself and aids, to and from Albany, in February, 1778.<sup>1</sup>

*Ordered*, That a warrant issue on the treasurer in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for one million dollars, to be by him transmitted to John Lewis Jervais, deputy paymaster general in South Carolina, for the use of his department, and for which the said deputy paymaster general is to be accountable.

Whereas Captain Green was made prisoner at the Cedars in Canada, in 1776, and remained a hostage for the capitulation entered into by General Arnold, and was afterwards permitted to return to these states on his parole:

*Resolved*, That the Commander in Chief be directed to take such measures as shall appear to him to be proper for the exchange or release of the said Captain Green, in the cartel which he is authorized to settle with the commander in chief of his Britannic majesty's forces; and that a copy of the paragraph of General Schuyler's letter of 12 January, respecting Captain Green, be transmitted to the Commander in Chief.<sup>2</sup>

Congress resumed the consideration of the report of the Board of Treasury, recommending that a warrant issue

<sup>1</sup>This report, dated March 6, and based upon a letter of De Kalb, of March 4, is in the *Papers of the Continental Congress*, No. 136, III, folio 147.

<sup>2</sup>This report, dated March 18, is in the *Papers of the Continental Congress*, No. 136, III, folio 173.

on J. Borden, Esq. commissioner of the continental loan office in the State of New Jersey, in favour of Elias Boudinot, for two thousand dollars in loan office certificates bearing date, July 1, 1777:<sup>1</sup>

On the question put, passed in the negative.

The commissioners report,

That there is due to the estate of Lieutenant George Wert, deceased, for his pay and rations during his captivity, from the 1 June, 1777, to the 14 of November, 1778, when he died, a balance of four hundred and fifty two dollars, to be paid to his widow, Mary Wert.

That there is due to Robert Jewell, for his own pay as keeper of the State's prison in Philadelphia, and the pay of his two assistants, door keeper and occasional clerk, up to the 6 instant, inclusive, four thousand two hundred and ninety six dollars; also for cash advanced for candles, sawing wood, &c. four hundred and forty six dollars, and 24/90, the whole amounting to 4,742 24/90 dollars.<sup>2</sup>

*Ordered*, That the said accounts be paid.

Congress took into consideration the report of the committee of the whole, and after some time spent thereon,

Congress took into consideration the report of the committee of the whole, and agreed to the following ultimata:

1. That the thirteen United States are bounded, north, by a line to be drawn from the north-west

<sup>1</sup> The report of the Treasury, dated March 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 175. The preamble was as follows:

"Whereas by a receipt of W<sup>m</sup>. Palfrey, Esq<sup>r</sup> Pay Master General dated the 1<sup>st</sup> July 1777, and other evidence it appears that Elias Boudinot Esq<sup>r</sup> supplied him with two thousand dollars in bills of credit intended to have been placed in the Continental funds, that in consequence of a refusal of Joseph Borden Esq<sup>r</sup> Com<sup>r</sup> Cont<sup>r</sup> Loan Office in New Jersey in part of a warrant drawn on him by the President of Congress in favor of W<sup>m</sup>. Palfrey Esq<sup>r</sup>, the matter has been suspended."

<sup>2</sup> This report, dated March 17, is in the *Papers of the Continental Congress*, No. 136, III, folio 177.

angle of Nova Scotia, along the high lands which divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the north-westernmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; thence due west in the latitude forty-five degrees north from the equator, to the north-westernmost side of the river St. Lawrence, or Cadaraqui; thence strait to the south end of lake Nepissing; and thence strait to the source of the river Mississippi: west, by a line to be drawn along the middle of the river Mississippi from its source to where the said line shall intersect the latitude of thirty-one degrees north: south, by a line to be drawn due east from the termination of the line last mentioned in the latitude thirty-one degrees north from the equator to the middle of the river Apalachicola, or Catahouchee; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; thence down along the middle of St. Mary's river to the Atlantic ocean: and east, by a line to be drawn along the middle of St. John's from its source to its mouth in the bay of Fundy, or by a line to be settled and adjusted between that part of the State of Massachusetts Bay, formerly called the province of Maine, and the colony of Nova Scotia, agreeably to their respective rights, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one

part, and East Florida on the other part, shall respectively touch the bay of Fundy and the Atlantic Ocean. Provided, that if the line to be drawn from the mouth of Lake Nepissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, then, that a line or lines may be drawn more southerly, so as not to be southward of a line in latitude forty-five degrees north.

2. That every post and place within the United States, and every island, harbour, and road to them, or any of them belonging, be absolutely evacuated by the land and sea forces of his Britannick Majesty, and yielded to the powers of the states to which they respectively belong.<sup>1</sup>

Adjourned to 10 o Clock to Morrow.

<sup>1</sup> These two paragraphs were entered only in the manuscript Secret Journal, Foreign Affairs.

In the *Papers of the Continental Congress*, No. 36, III, folio 519, is the following paper in the writing of Gouverneur Morris. It is without date, and endorsed, "Relative to Committee of the Whole."

"Beginning at the mouth of S<sup>t</sup> Mary's river and running along the middle of the said River to the source, thence a line drawn to that part of the River Apalachicola where the River Catahouchee and Flint River meet, thence along the middle of the said River to the latitude of thirty one degrees North, thence due west to the River Mississippi thence up the River Mississippi along the middle thereof to the River Illinois, thence up along the middle thereof to the source thereof, thence to the southwesternmost part of Lake Michigan or Illinois thence due north to the northern shore of the waters of the Lakes Superior and Huron, thence along the said shore eastwardly up the River called the Rivire des Franois to the mouth of Lake Nipissing, thence a Line drawn to that part of the River S<sup>t</sup> Lawrence which lies in the latitude of forty five degrees north, thence East to Connecticut River, thence along the middle of the said River to the source thereof, and so along the lands height which divides the waters falling into the River S<sup>t</sup> Lawrence from those which fall into the Atlantic Ocean to the northwesternmost corner of Nova Scotia, and thence southerly by a Line to be adjusted as the Western Boundary of Nova Scotia."

SATURDAY, MARCH 20, 1779

A letter from J. Clark and J[ames] Johnston, auditors in the army, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.

A petition of Rufus Lawrence,<sup>2</sup> a soldier in Captain Spaulding's independent company, was read, praying, for sundry reasons therein set forth, to be discharged:

*Ordered*, That the prayer of his petition be granted.

A memorial of Mr. Holker was read:

*Ordered*, That it be referred to the committee on a former memorial from Mr. Holker.

A report from the Board of Treasury was read; Whereupon,

*Resolved*, That the clerks of the Treasury, Marine Committee, Board of War and Secretary's office be allowed, each, six dollars per day.<sup>3</sup>

A petition of Mary McMyer, widow of Captain Andrew McMyer, and a petition of Hannah Morris, widow of Major Joseph Morris, both which officers fell in battle, were read, praying that provision may be made for their support.<sup>4</sup>

*Ordered*, To lie on the table.

The committee appointed to prepare a recommendation to the several states to set apart a day of fasting humilia-

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 221.

<sup>2</sup>The petition of Lawrence, dated February 20, is in the *Papers of the Continental Congress*, No. 42, IV, folio 184.

<sup>3</sup>The report was based upon letters from B. P. Smith, of February 19, and from J. Carleton, J. Nicholson, Cornelius Comegys, and Joshua Coit, of February 25, and the Board referred to their report of January 2 on the subject. See *Papers of the Continental Congress*, No. 136, III, folio 183.

<sup>4</sup>The petitions, dated August 25 and 27, 1778, are in the *Papers of the Continental Congress*, No. 42, V, folios 118 and 122.

tion and prayer, brought in a draught, which was taken into consideration, and agreed to as follows:

Whereas, in just punishment of our manifold transgressions, it hath pleased the Supreme Disposer of all events to visit these United States with a destructive calamitous war, through which His divine Providence hath, hitherto, in a wonderful manner, conducted us, so that we might acknowledge that the race is not to the swift, nor the battle to the strong: and whereas, ~~there is but too much Reason to fear that notwithstanding the chastisements received and benefits bestowed, too few have been sufficiently awakened to a sense of their guilt, or warmed our Bezens with gratitude, or taught to amend their lives and turn from their sins, that so He might turn from His wrath.~~ And whereas, from a consciousness of what we have merited at His hands, and an just apprehension that the malevolence of our disappointed enemies, like the incredulity of Pharaoh, may be used as the scourge of Omnipotence to vindicate his slighted Majesty, there is reason to fear that he may permit much of our land to become the prey of the spoiler, ~~and the Blood of the innocent be poured out that our borders to be ravaged, and our habitations destroyed:~~

*Resolved*, That it be recommended to the several states to appoint the first Thursday in May next, to be a day of fasting, ~~Thanksgiving~~ humiliation and prayer to Almighty God, that he will be pleased to avert those impending calamities which we have but too well deserved: that he will grant us his grace to repent of our sins, and amend our lives, according to his holy word: that he will continue that wonderful protection which hath led us through the paths of danger and distress: that he will be a husband to the widow and a father to the fatherless children, who weep over the barbarities of a savage enemy: that he will grant us patience in suffering, and fortitude in adversity: that he will inspire us with humility and moderation, and gratitude in prosperous circumstances: that he will give wisdom to our councils, firmness to our resolutions, and victory to our arms. ~~That he will have Mercy on our Foes, and graciously forgive them, and turn their Hearts from Enmity to Love.~~

That he will bless the labours of the husbandman, and pour forth abundance, so that we may enjoy the fruits of the earth in due season.

[That he will cause union, harmony, and mutual confidence to prevail throughout these states: that he will bestow on our great ally all those

blessings which may enable him to be gloriously instrumental in protecting the rights of mankind, and promoting the happiness of his subjects and advancing the Peace and Liberty of Nations. That he will give to both Parties to this Alliance, Grace to perform with Honor and Fidelity their National Engagements].<sup>1</sup> That he will bountifully continue his paternal care to the commander in chief, and the officers and soldiers of the United States: that he will grant the blessings of peace to all contending nations, freedom to those who are in bondage, and comfort to the afflicted: that he will diffuse useful knowledge, extend the influence of true religion, and give us that peace of mind, which the world cannot give: that he will be our shield in the day of battle, our comforter in the hour of death, and our kind parent and merciful judge through time and through eternity.

Done in Congress, this 20th day of March, in the year of our Lord one thousand seven hundred and seventy-nine, and in the third year of our independence.

JOHN JAY, *President.*

Attest, CHARLES THOMSON, *Secretary.<sup>2</sup>*

A letter, of February 6, from J. Rutledge, governor of South Carolina, and one, of the 8th March, from P. Henry, governor of Virginia, were read:

*Ordered,* That they be referred to the committee appointed to take into consideration the circumstances of the southern states, &c.

Congress resumed the consideration of the report of the committee on the application from the general assembly of Pennsylvania; Whereupon,

*Resolved,* That a sum not exceeding two millions of dollars be granted on loan to the State of Pennsylvania, at 6 per cent. per annum, agreeable to the request of the said State; and that the Board of Treasury prepare and report a proper resolution on the subject.

*Resolved,* That two members be added to the committee on the memorials from Mr. Holker:

<sup>1</sup> Words in brackets are in the writing of John Jay.

<sup>2</sup>This proclamation, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 24, folio 437.

The members chosen, Mr. G[ouverneur] Morris and Mr. [William] Carmichael.

Congress proceeded to the election of a secretary and paymaster to the navy board in the middle district, and the ballots being taken,

Mr. Joseph Pennel was elected.

A letter, of 6 February, from Major General R. Howe was read.

The Committee, to whom was referred the Information respecting Col. Mitchell's obliterating and expunging certain Entries contained in one of his office Books, report as follows:

That they have examined Mr. John Hall, Clerk in the said office, who made the Entries in the said Book, and who afterwards obliterated and expunged one Entry in the said Book, and who obliterated Parts of another Entry and inserted other words, which Entries are those upon which the above Information was given; that the said Examination was on oath and is herewith delivered, and also the Book containing those Entries, to which said Examination and Book your Committee beg leave to refer.

Your Committee are of Opinion that no Evidence appears to prove that the said Col. Mitchell, in ordering and directing the said John Hall, his clerk, to make the said alterations and obliterations, has acted criminally or fraudulently.<sup>1</sup>

Adjourned to 10 o Clock on Monday.

MONDAY, MARCH 22, 1779

The commissioners report,

That there is due to Captain John Jamison, of Colonel Baxter's regiment of the Pennsylvania flying camp, for his pay, rations or subsistance during his captivity, from the 16 of November, 1776, to the 21 September, 1778, inclu-

<sup>1</sup>This report, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 19, I, folio 127. Hall's affidavit, written upon the same sheet, is dated March 20. The committee was named January 26.

sive, a balance of five hundred and eighty nine dollars and 6/90ths.

That there is due to John Nicholson for cash paid to Martin Benner for sawing, carrying in and pileing wood for Congress, in November last, thirty five dollars.<sup>1</sup>

*Ordered*, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Charles Stewart, commissary general of issues, for one hundred and twenty thousand dollars, for the use of his department, he to be accountable.

*Resolved*, That the commissioners of claims be directed to adjust the accounts of Captain William Peery, and make him a reasonable allowance for his expences in applying, from time to time, to Congress, for money to pay the officers and soldiers of his independent company.

The Committee on the Treasury, to whom was referred the memorial of Jesse Brown, [of 16th instant] respecting his account as passed by the commissioners, report, that the balance of 4740 dollars, reported by the commissioners to be due to Jesse Brown, for riding express between 16 November, 1777, and 3d March, 1779, inclusive, be paid.<sup>2</sup>

Whereupon, it was moved by Mr. [Jesse] Root, and seconded by Mr. [Eliphalet] Dyer, to strike out the sum 4740, and insert 5171.

On which the yeas and nays being required by Mr. President,

<sup>1</sup>This report, dated March 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 185.

<sup>2</sup>This report, dated March 20, is in the *Papers of the Continental Congress*, No. 136, III, folio 187. The paragraph on Captain Peery was based upon his petition of February 2, 1779.

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple, Frost,	no } div. ay }	Mr. Plater, Paca,	no }
<i>Massachusetts Bay,</i>		Carmichael,	no }
Mr. Holten,	no } *	Henry,	no }
<i>Rhode Island,</i>			
Mr. Collins,	no } no	<i>Virginia,</i>	
<i>Connecticut,</i>		Mr. T. Adams,	no }
Mr. Dyer, Root,	ay } ay ay }	F. L. Lee,	ay }
<i>New York,</i>		Smith,	no }
Mr. Jay, Morris,	no }	R. H. Lee,	no }
Floyd,	no }	Nelson,	no }
Lewis,	no }	<i>North Carolina,</i>	
<i>New Jersey,</i>		Mr. Penn,	no }
Mr. Frelinghuysen, Fell,	ay } div. no }	Hill,	no }
<i>Pennsylvania,</i>		Burke,	no }
Mr. Armstrong, Muhlenberg,	no }	<i>South Carolina,</i>	
M'Lene,	no }	Mr. Drayton,	no } no
		<i>Georgia,</i>	
		Mr. Langworthy,	ay } ay

So it passed in the negative.

On the question, *Ordered*, That the sum of 4740 dollars, reported by the commissioners to be due to Jesse Brown for riding express between 16 November, 1777, and 3 March, 1779, inclusive, be paid.<sup>1</sup>

<sup>1</sup> This report, dated March 12, is in the *Papers of the Continental Congress*, No. 136, III, folio 167. The commissioners added the following comments:

"Although we have cut off all his expenses, 350 which he charged, we think the deduction still very moderate as his demand is the most exorbitant of the kind that was ever exhibited to the Commissioners—

"MARCH 16<sup>th</sup>, 1779

"We have reconsidered our report of the 12<sup>th</sup> instant on Jesse Brown's account, of which the above is a copy, and are still of opinion that we have made him a very generous allowance; The reasons which induced us to do so are these: He declares, and we have reason from other good information to believe it, that he always rode his own horses, and that he constantly kept two for that purpose only, he likewise declares that he never drew any forage, nor had his horses supported at the public expense wherever he went, nor had he ever any horse furniture, or any thing else

The committee appointed to confer with the Commander in Chief brought in a report on the cloathing department:

*Ordered*, That the consideration thereof be postponed till to morrow.

Congress resumed the consideration of the report of the committee of the whole, and after some time spent thereon,

*Ordered*, That the farther consideration thereof be postponed till to Morrow.

Congress resumed the consideration of the report of the committee of the whole; and the third resolution reported by the committee as one of the ultimata being under debate, and being in the words following:

3. That a common right in these states to fish on the coasts, bays and banks of Newfoundland and gulf of St. Lawrence, coast of Labrador and straits of Belleisle, be acknowledged; and in case of refusal, that the war be continued, unless the circumstances of our allies shall be such as to render them utterly unable to assist in the prosecution of the war; in which case, as ample privileges in the fishery be insisted on, as can possibly be obtained:

That in case Great Britain should not be prevailed on either to cede, or declare Nova Scotia independ-

belonging to the public—In all these circumstances we apprehended his case is different from that of other Express riders, who are furnished with horses, forage and furniture at the public expense, and for that reason have always been allowed less than we now allow him—By a Resolve of Congress and a certificate from the Honble Henry Laurens Esq<sup>r</sup>, late President, it appears that M<sup>r</sup> Brown has performed his duty with much punctuality, fidelity and dispatch—

"All which we respectfully submitt.

"J<sup>A</sup> MILLIGAN  
"R. SMITH"

The subject was again inserted in a report of the committee dated March 20.

ent, the privilege of curing fish on the shores and in the harbours of Nova Scotia be required—

In lieu thereof a substitute was moved by Mr. [Gouverneur] Morris, in the words following, viz.

“That an acknowledgment be made by Great Britain of a common right in these states to fish on the coasts, bays and banks of Nova Scotia, the banks of Newfoundland and gulf of St. Lawrence, the coasts of Labrador and straits of Belleisle, and *a stipulation for the right of curing fish on the shores of Nova Scotia.* Provided always, that the allies of these states shall be in circumstances to support them in carrying on the war for such acknowledgment and stipulation; but that in no case, by any treaty of peace, the common right of fishing as above described be given up.”<sup>11</sup>

The substitute being adopted, and under debate.

A motion was made by Mr. M[eriwether] Smith, seconded by Mr. [Thomas] Burke, to strike out the words, “and a stipulation for the right of curing fish on the shores of Nova Scotia,” and also the words, “and stipulation,” after the word “acknowledgment.”

And on the question, Shall those words stand, the yeas and nays being required by Mr. M[eriwether] Smith—

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Whipple,	ay } div.	Mr. Ellery,	no } div.
Frost,	no }	Collins,	ay }
<i>Massachusetts,</i>		<i>Connecticut,</i>	
Mr. Gerry,	ay } ay	Mr. Dyer,	no } no
Lovell,	no }	Root,	no }
Holten,	ay }		

<sup>11</sup>This motion, in the writing of Gouverneur Morris, is in No. 36, III, folio 495.

<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay,	no	Mr. T. Adams,	no
Duane,	ne	M. Smith,	no
G. Morris,	no } no	R. H. Lee,	ay } no
Floyd,	no	Griffin,	no
Lewis,	no	Nelson,	no
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Frelinghuysen,	ay } div.	Mr. Penn,	no }
Fell,	no	Hill,	no }
<i>Pennsylvania,</i>		Burke,	no
Mr. Armstrong,	ay	<i>South Carolina,</i>	
Searle,	ay } ay	Mr. Laurens,	no }
Muhlenberg,	ay	Drayton,	no
M'Lene,	ay	<i>Georgia,</i>	
<i>Maryland,</i>		Mr. Langworthy,	no } no
Mr. Plater,	no		
Paca,	no } no		
Carmichael,	no		
Henry,	no		

So it passed in the negative, and the words were struck out.

A motion was then made by Mr. [William Henry] Drayton, seconded by Mr. G[ouverneur] Morris, to strike out the words, "*provided always, that the allies of these states shall be in circumstances to support them in carrying on the war for such acknowledgment.*"

And on the question, Shall those words stand, the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Whipple,	no } no	Mr. Ellery,	no }
Frost,	no	Collins,	no
<i>Massachusetts Bay,</i>		<i>Connecticut,</i>	
Mr. Gerry,	no } no	Mr. Dyer,	no }
Lovell,	no } no	Root,	no
Holten,	no		

<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay,	ay	Mr. T. Adams,	ay
Duane,	ay	M. Smith,	ay
Floyd,	no	R. H. Lee,	no
G. Morris,	ay	Griffin,	ay
Lewis,	no	Nelson,	ay
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Frelinghuysen,	no	Mr. Penn,	ay
Fell,	ay	Hill,	ay
	{ div.	Burke,	ay
<i>Pennsylvania,</i>		<i>South Carolina,</i>	
Mr. Armstrong,	no	Mr. Drayton,	ay } ay
Searle,	no	<i>Georgia,</i>	
Muhlenberg,	no	Mr. Langworthy,	ay } ay
M'Lene,	no		
<i>Maryland,</i>			
Mr. Plater,	ay		
Paca,	ay		
Carmichael,	ay		
Henry,	ay		

So it was resolved in the affirmative.

A division was then called for; and on the question to agree to the first part as amended, including the proviso, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	no	Mr. Jay,	ay
Frost,	ay	Duane,	ay
	{ div.	G. Morris,	ay } ay
<i>Massachusetts Bay,</i>		Floyd,	ay
Mr. Gerry,	ay	Lewis,	ay
Lovell,	ay		
Holten,	ay	<i>New Jersey,</i>	
<i>Rhode Island,</i>		Mr. Frelinghuysen,	ay } ay
Mr. Ellery,	no	Fell,	ay }
Collins,	ay		
<i>Connecticut,</i>			
Mr. Dyer,	ay		
Root,	ay		

<i>Pennsylvania,</i>		<i>North Carolina,</i>	
Mr. Armstrong,	no	Mr. Penn,	ay
Searle,	no	Hill,	ay
Muhlenberg,	no	Burke,	ay
M'Lane,	no		
<i>Maryland,</i>		<i>South Carolina,</i>	
Mr. Plater,	ay	Mr. Laurens,	ay
Paca,	ay	Drayton,	ay
Carmichael,	ay		
Henry,	ay	<i>Georgia,</i>	
		Mr. Langworthy,	ay ; ay
<i>Virginia,</i>			
Mr. T. Adams,	ay		
M. Smith,	ay		
R. H. Lee,	no		
Griffin,	ay		
Nelson,	ay		

So it was resolved in the affirmative.

On the question to agree to the second part,

*Resolved*, in the affirmative.<sup>1</sup>

The article as amended and agreed to is as follows:

3. That an acknowledgment be made by Great Britain of a common right in these States to fish on the coasts, bays and banks of Nova Scotia, the banks of Newfoundland, and gulf of St. Lawrence, the coasts of Labrador and straits of Belleisle. Provided always, that the allies of these States shall be in circumstances to support them in carrying on the war for such acknowledgment; but that in no case, by any treaty of peace, the common right of fishing as above described be given up.

Adjourned to 10 o Clock to Morrow.

<sup>1</sup> The proceedings on this day, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 38, III, folio 487. With them is a slip, in the writing of William Henry Drayton, as follows: "and provided also that nothing herein contained shall be construed in any degree to violate the Treaty of Paris of 1778." The proceedings were entered only in the manuscript Secret Journal, Foreign Affairs.

TUESDAY, MARCH 23, 1779

Mr. N[icholas] Van Dyke, a delegate for the State of Delaware, attended and took his seat in Congress.

A letter from Abraham Wayne was read:<sup>1</sup>

*Ordered*, To lie on the table.

A letter, of 21 February, from Chevalier de Cambray, was read, enclosing a receipt for powder received from Hewes & Co.

Also a letter, of 20 instant, from General Washington, was read, accompanied with the proceedings of a court martial on Colonel Steel, quarter master at Pittsburg:<sup>2</sup>

*Ordered*, That the same be referred to the Board of War.

Congress took into consideration the report of the committee on the cloathing department, and thereupon came to the following resolution:

Ordinance for regulating the Cloathing Department for the  
Armies of the United States.

There shall be a cloathier general, a sub or State-cloathier for each State, [and] a regimental cloathier.

The cloathier general is to be subject to the orders of the Board of War and the Commander in Chief. He is to furnish estimates of the supplies wanted for the army; to apply to the Commander in Chief and Board of War for assistance therein; to make returns of such estimates to them respectively; to receive all supplies imported from abroad, and purchased in the country by continental agents; to superintend the distribution thereof to the state cloathiers; to settle accounts with them at least

<sup>1</sup>This letter, dated March 23, is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 21.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 195.

every six months; to keep regular accounts of all the cloathing he shall receive, as well as of the distribution thereof among the state cloathiers; and to transmit his accounts twice in every year to the Board of Treasury, and settle them in the chambers of accounts when required; and generally to take care, on the one hand, that justice is done to the public, and on the other, that the army receive whatever shall be allowed to them in a regular, direct, and seasonable manner; and at the same time, so to act between the Continent and each particular State, that equal and impartial justice may be done on all sides.

*The sub or state cloathier*

A sub or state cloathier is to be appointed by each State respectively, to reside with or near the army, or such detachment thereof in which the troops of the said State may be, as the Commander in Chief shall direct, the better to know and supply their wants. The State appointing him is to be answerable for his conduct. In case of neglect or misbehaviour, he is to be displaced by the Commander in Chief, and his successor to be appointed by the State to which he belonged. He is to receive from the cloathier general the proportion of cloathing assigned for the troops of his State, out of the public cloathing imported or purchased by continental agents; and from the State for which he is appointed, all the cloathing which may, at continental expence, be purchased in such State; of the latter, their quality and price, he shall transmit exact accounts to the cloathier general, and, when required, submit the several articles to the inspection of the cloathier general, or any person for that purpose deputed by him; he is to issue all cloathing supplied as aforesaid to the regimental cloathiers, on returns signed

by the commanding officers of regiments. He is to keep exact returns with each regiment, inspect those of the regimental cloathiers, see that the articles delivered them are duly issued to the troops; and that all the cloathing procured at continental expence, above the allowance made by Congress, drawn by non-commissioned officers and privates, is charged to them, and credited to the pay roll; and that the commissioned officers receive what is credited to them and no more. He is to keep exact accounts with the cloathier general in behalf of the public, charging the United States only with what is allowed to the officers and men. Whenever the troops of any State shall have received their proportion of cloathing<sup>1</sup> from the continental stores, the supplies purchased at continental expence by the State to which they belong, or from both, and there shall remain a surplus which may be wanted for other troops not fully supplied, the sub-cloathier possessed thereof is to deliver over the surplus to such other State cloathier as the cloathier general shall direct, taking duplicate invoices and receipts from the State cloathier to whom they shall be transferred, one set of which he is to deposit with the cloathier general, and the other to retain as his own voucher: the cloathier general on his part making proper entries in his accounts, to do justice to all concerned.

When from a deficiency in the public stores, the troops of any State shall not have received their allowance of cloathing, the State cloathier is without delay to represent their wants, particularly enumerated in a return for that purpose, to the executive authority of the State to which he belongs, requesting a speedy and adequate supply.

<sup>1</sup> From this point the entries are made by George Bond, of the Secretary's office.

And in case a State, at its own expence, shall give and deposit with him any cloathing, for the more comfortable subsistence of its quota of troops, in addition to the allowance made by Congress, he is strictly to pursue the directions of such State, as well with respect to the distribution, as the vouchers for the delivery, and the manner and time of settling his accounts: transmitting once in every six months a copy of such accounts to the cloathier general, and as often, and whenever required, to the State to which he belongs.

*The Regimental cloathier*

The office of regimental cloathier shall always be executed by the regimental pay master. He is to be furnished by captains or officers commanding companies with returns, specifying the men's names, and the particular wants of each; these he is to digest into a regimental return; which, being signed by the officer commanding the regiment, and countersigned by himself, with a receipt upon it of the supplies delivered to the regiment, is to be lodged with the State cloathier, and become to him a voucher for the delivery in his settlement with the cloathier general. He is to keep an account with each officer and soldier for every article delivered, taking a receipt from them, as his voucher for the delivery: he is to credit them for the continental allowance, and to charge them for every thing they receive, making stoppages in the monthly pay rolls for whatever they may fall in debt to the public beyond the allowance. And to prevent in future unequal distribution of cloathing, either to the officers or soldiers, and the confusion and complaints which have heretofore been occasioned by irregular applications from commanding officers of regiments to public agents in different posts, it is hereby strictly

enjoined on those agents, the cloathier general, and the sub or state cloathiers, to issue no cloathing on any pretence whatsoever, but in the manner before prescribed: nor shall any article be credited to either of them on settlement of their accounts, which is not so issued and vouched.

And whereas discretionary changes of the uniforms of regiments have proved inconvenient and expensive: the Commander in Chief is therefore hereby authorized and directed, according to the circumstances of supplies of cloathing, to fix and prescribe the uniform, as well with regard to the color and facings, as the cut or fashions of the cloathes to be worn by the troops of the respective States and regiments, which shall, as far as possible, be complied with by all purchasing agents employed by the Congress, as well as particular States, by the cloathier general, sub or state cloathiers and regimental cloathiers, and all officers and soldiers in the armies of the United States. And where materials can be purchased instead of ready made cloathes, it shall always be preferred, in order that they may be made up by the taylors of the several regiments, to save expence and prevent the disadvantages which the soldiers frequently suffer from their unfitness; and instead of breeches, woollen overalls for the winter, and linnen for the summer, are to be substituted.<sup>1</sup>

That the Board of War prepare and transmit instructions and forms, according to which the several cloathiers are to conduct the business and settle their accounts; and that the Board of War report to Congress the proper salaries or allowances to be made to the several cloathiers for their services.

<sup>1</sup>The first rough draft of this report, to this point, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 81, folio 59. A fair copy, also by Duane, is on folio 85.

The Committee appointed to confer with the Commander in Chief, having in such conference taken into consideration the necessity of making provision for the Officers and Troops in the service of the United States, on account of the scarcity and high price of clothing, beg leave to submit the following resolution:

Whereas, Congress by an act dated the 26<sup>th</sup> of November, 1777, earnestly recommended to the several states from time to time to exert their utmost endeavours to procure, in addition to the allowance of clothing theretofore made by congress, supplies of blankets, shoes, stockings, and other clothing for the comfortable subsistence of the officers and soldiers of their respective Battalions, to be distributed in the manner therein prescribed: And that all clothing thereafter to be supplied to the officers and soldiers out of the public stores of the United States, beyond the bounties already granted, should be charged at such reasonable prices, or should be assessed by the Clothier General, and be in just proportion to the wages of the officers and soldiers: the surplus of the costs to be defrayed by the United States. But neither the articles of clothing so to be drawn, nor the price thereof, having been ascertained, nor a sufficient quantity of clothing procured to answer the good purposes of the said resolution,

*Resolved*, therefore, that the respective States be and they are hereby earnestly called upon to continue to exert their utmost endeavours to procure clothing and blankets for their respective quotas of Troops; the expence whereof to be charged to the United States in the manner hereafter mentioned.

That each State shall employ an agent to purchase such clothing, who shall be under the controul and direction of the executive authority of such State, take an oath for the faithful execution of his office, keep regular accounts of all the articles purchased by him and of the application thereof: And once in every six months settle his accounts with such Commissioners as shall be appointed by the executive authority of the State to which he belongs: being therein allowed such recompense for his services as shall be agreed upon by the said executive authority.

That the said agents shall from time to time deliver the clothing so purchased to the State Clothier, to be by him distributed, as also an account thereof, specifying the price paid for every article, and an estimate to be by him made upon his oath of office of the sterling value, cost or price of such articles.

That the cost of such articles so to be bought as aforesaid, together with the charges thereon, shall be paid by the United States, except when the same shall amount to more than at the rate of fifty dollars for one pound sterling; in which case the said states shall be held to pay to the respective State no more than at that rate.<sup>1</sup>

That every commissioned officer in the army of the United States shall, during the war, be entitled to draw annually from the clothier General, or State clothier, the several articles of clothing hereafter specified; paying for the same on delivery at the rate of ten dollars for one pound Sterling: A plain regimental Coat, a cloth and a linen waistcoat, two pair of cloth breeches, six fine linen shirts, six cambrick or muslin stocks, a fine caster hat, six pair of thread, or fine worsted hose, four pair of shoes, one pair of boots, one blanket.

That each non commissioned officer and private be allowed to draw the following articles of extra clothing paying for the same at the rate aforesaid viz: One shirt, one hunting frock, one woolen waistcoat with sleeves, one pair of woolen and one pair of linen overalls four pair of shoes; excepting noncommissioned officers and privates of the cavalry who may draw two only.

That the several state clothiers shall regularly transmit copies of the accounts and estimates of the State agents to the clothier General.<sup>2</sup>

That when neither the clothier general or State clothier shall have it in their power to deliver the articles above allowed or any of them to the officers requiring the same, they shall respectively give such officer a certificate of the articles due to him, and of the price at which such articles were last purchased; deducting what the officers ought to have paid had they been delivered: and the Commander in Chief on the production of such certificates, shall issue his warrant on the Pay Master General in favour of the officer for the amount, exclusive of such deduction.

That in case of detachments from the Army, the clothier general and state clothiers are enjoined to take especial care that both the officers and privates on such detachments are regularly supplied with their entire clothing, or in case of deficiency with certificates; and the privates with the clothing provided for them at continental expence, without waiting for their application; and in this respect the clothier general and state clothiers are to consult with the Commander in Chief

<sup>1</sup> These two paragraphs are in the writing of Gouverneur Morris.

<sup>2</sup> In the writing of Gouverneur Morris.

and pursue such regulations as he may find it necessary to establish in order to secure to detachments the advantages hereby provided for them: and the Clothier general, and state clothiers are respectively authorized, with the approbation of the Commander in Chief, to appoint assistants under them to deliver the clothing and to see justice done to the detachments; the assistants to receive such salaries as shall be agreed upon by the Board of War, with the advice of the Commander in Chief, and to take an oath for the faithful execution of their office.<sup>1</sup>

A letter, of the 23d, from M. Clarkson, was read, representing, that as General Arnold has resigned his command in this city, his service is no longer required as one of his aids; and as he is desirous of serving his country in the army to the southward, which he proposes joining as a volunteer, therefore soliciting Congress that they would free him from the injunctions laid on him by their order of the 1st of February last: Whereupon,

A motion was made by Mr. [James] Searle, and seconded by Mr. [Edward] Langworthy, that the request of Major Clarkson in the said letter be complied with.

After some debate thereon, a motion was made by Mr. [Henry] Laurens, and seconded by Mr. S[amuel] Adams, that the further consideration of the said motion be postponed; and the yeas and nays being required by Mr. G[ouverneur] Morris,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple,	ay } ay	Mr. Dyer,	ay } ay
<i>Massachusetts Bay,</i>		Root,	
Mr. S. Adams,	ay	<i>New York,</i>	
Gerry,	ay } ay	Mr. Jay,	ay } ay
Lovell,	no }	Duane,	
Holten,	ay	G. Morris,	no }
<i>Rhode Island,</i>		<i>New Jersey,</i>	
Mr. Ellery,	no } no	Mr. Fell,	ay } *

<sup>1</sup>This undated report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 33, folio 315. See a somewhat similar report printed under January 1, 1778, Vol. X, p. 10.

<i>Pennsylvania,</i>		<i>Virginia,</i>	
Mr. Armstrong,	no	Mr. T. Adams,	ay
Shippen,	ay	F. L. Lee,	no
Muhlenberg,	ay	M. Smith,	no
M'Lene,	ay	R. H. Lee,	ay } no
<i>Delaware,</i>		Griffin,	no
Mr. Vandyke,	ay } ay	Nelson,	no
<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater,	no	Mr. Penn,	no
Paca,	no	Hill,	no } no
Carmichael,	ay	Burke,	no
Henry,	ay	<i>South Carolina,</i>	
		Mr. Laurens,	ay } div.
		Drayton,	no
		<i>Georgia,</i>	
		Mr. Langworthy,	no } no

So it was resolved in the affirmative.

A motion was made by Mr. [Gouverneur] Morris, and seconded by Mr. [William Henry] Drayton, that Major Clarkson attend at the bar of the House to morrow at twelve o'clock; and that he be reprimanded from the chair, for the indecent language contained in his letter of the 27th of January last, to the president and council of Pennsylvania.

On which the yeas and nays being required by Mr. [John] Jay,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple,	ay } ay	Mr. Dyer,	ay } ay
<i>Massachusetts Bay,</i>		Root,	ay }
Mr. S. Adams,	ay	<i>New York,</i>	
Gerry,	ay	Mr. Jay,	no }
Lovell,	ay	Duane,	ay }
Holten,	ay	G. Morris,	ay }
<i>Rhode Island,</i>		Lewis,	ay }
Mr. Ellery,	no } no		

<i>New Jersey,</i>		<i>Virginia,</i>	
Mr. Frelinghuysen, Fell,	ay } ay	Mr. T. Adams, F. L. Lee,	ay }
<i>Pennsylvania,</i>		M. Smith,	ay }
Mr. Armstrong, Shippen,	ay } ay	R. H. Lee,	no }
Muhlenberg,	ay }	Griffin,	no }
M'Lene,	ay }	Nelson,	ay }
<i>Delaware,</i>		<i>North Carolina,</i>	
Mr. Vandyke,	ay } ay	Mr. Penn, Hill,	ay }
<i>Maryland,</i>		Burke,	no }
Mr. Plater, Carmichael,	ay } ay	<i>South Carolina,</i>	
Henry,	ay }	Mr. Laurens, Drayton,	ay }
<i>Georgia,</i>		Mr. Langworthy,	no }
			no no

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

#### WEDNESDAY, MARCH 24, 1779<sup>1</sup>

A letter, of 23, from Major M. Clarkson, was read.<sup>2</sup>

The Committee on the Treasury brought in a report;  
Whereupon,

*Ordered,* That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for six hundred thousand dollars, to be by him transmitted to Benjamin Stille, at Providence, assistant of Ebenezer Hancock, Esq. deputy paymaster general of the eastern district, of which the sum of three hundred thousand dollars is for the purpose of recruiting the continental battalions at Providence, and the residue for their pay and subsistance; and that the said Ebenezer

<sup>1</sup> Here, the entries were resumed by Charles Thomson.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 329.

Hancock be charged with the said six hundred thousand dollars, and furnished with a copy of this resolution.<sup>1</sup>

The Board of War, to whom was referred the letter of 5th, from Major General Schuyler, brought in a report; Whereupon,

*Resolved*, That the commissioners for Indian affairs in the northern department, be empowered to order supplies of provisions to our faithful friends the Oneidas and other friendly Indians, as their necessities shall, in the opinion of the said commissioners, from time to time, require; and the commissaries of provisions in that department, are hereby required to obey the orders of the said commissioners for that purpose.<sup>2</sup>

Major M. Clarkson attending, was called in, and, according to order, being reprimanded from the chair, withdrew.

On motion by Mr. [William Henry] Drayton, and seconded by Mr. [Henry] Laurens,

*Resolved*, That Major M. Clarkson be permitted to join the southern army, agreeably to his request.

The Committee on Foreign Affairs brought in a report, which was read:

The Committee to whom was referred the consideration of the foreign affairs of these United States, the conduct of the several Commissioners appointed to foreign Courts and the political and commercial Agency of M<sup>r</sup> Deane, report:

1. That it appears to this Committee, that D<sup>r</sup> Franklin is Plenipotentiary for these States at the Court of France; D<sup>r</sup> A. Lee, Commissioner for the Court of Spain; M<sup>r</sup> William Lee, Com-

*Agreed* missioner for the Courts of Vienna and Berlin; M<sup>r</sup> R. Izard, Commissioner for the Court of Tuscany. That

M<sup>r</sup> J. Adams was appointed one of the Commissioners at the Court of

<sup>1</sup>This report, dated March 23, is in the *Papers of the Continental Congress*, No. 136, III, folio 189.

<sup>2</sup>This report, dated March 20, is in the *Papers of the Continental Congress*, No. 147, III, folio 135.

France in the place of M<sup>r</sup> Deane, who had been appointed a joint Commissioner with D<sup>r</sup> Franklin and D<sup>r</sup> A. Lee; but that the s<sup>d</sup> Commission of M<sup>r</sup> Adams is superceded by the Plenipotentiary Commission to D<sup>r</sup> Franklin. And that neither Doctor A. Lee, nor M<sup>r</sup> W. Lee, nor M<sup>r</sup> R. Izard, have been received or acknowledged at their respective Courts.

2. That it is the opinion of your Committee, that Ministers Agreed Plenipotentiary for these States are only necessary for the present at the Hague the Courts of Versailles, and Madrid.

3. That in the course of this Committee's examination and enquiry they find many complaints against the said Commissioners, and the political and commercial agency of M<sup>r</sup> Deane, which complaints, with the evidence in support thereof, are herewith delivered and to which this Committee beg leave to refer.

4. That suspicions and animosities have arisen among the said [late and present] Commissioners [viz. Benjamin Franklin, Agreed Silas Deane, Arthur Lee, Ralf Izard, and W<sup>m</sup> Lee]<sup>1</sup> highly prejudicial to the honor and interests of these United States.

5. That the appointments of the said Commissioners be vacated, and that new appointments be made.

6. That there be but one Plenipotentiary Minister or Commissioner Agreed 8 June for these United States at a foreign Court.

7. That no Plenipotentiary Minister or Commissioner for these Previous ques. United States, while he acts as such shall exercise any other public office.

8. That no person be appointed Plenipotentiary Minister or Com- Previous ques. missioner for these United States who is not a citizen thereof, and who has not a fixed and permanent interest therein.

9. That fit and proper persons be appointed to settle and adjust M<sup>r</sup> Deane's publick accounts, and the public accounts of all other persons, who have transacted the Commercial affairs of these States in France.

10. That each of the Plenipotentiary Ministers and Commissioners, who now is, or have been or may be appointed, be allowed at the rate of per annum.<sup>2</sup>

<sup>1</sup> Inserted in writing of John Jay.

<sup>2</sup> This report, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 25, I, folio 83.

[Charges against M<sup>r</sup> S. Deane with the Evidence.]

1<sup>st</sup> Charge. That M<sup>r</sup> Deane, during his political and commercial agency, entered into private commercial concerns.

Evidence. M<sup>r</sup> Deane's narrative, page 119, and a publication by M<sup>r</sup> Robt. Morris, 9<sup>th</sup> January; a letter from M<sup>r</sup> Hodge to Commissioners, 10 July 1778.

2<sup>nd</sup> Charge. Misapplication of public monies.

Evidence. A letter from M<sup>r</sup> Hodge to the Commissioners, 10 July 1778. Information given by M<sup>r</sup> R. H. Lee, 18 Sept., 1778. Extracts of letters from John Lloyd and W<sup>m</sup> Stephenson to M<sup>r</sup> A. Lee, 21, 22 Jany., and 1<sup>st</sup> Feby., 1778. A letter from John Lloyd to M<sup>r</sup> A. Lee, 24 Jany., 1778. M<sup>r</sup> Hodge's account of the Receipt and expenditure of public money for a Lugger and a Cutter, bought and fitted out at Dunkirk. M<sup>r</sup> Carmichael's examination.

3<sup>rd</sup> Charge. That M<sup>r</sup> Deane broke the orders of the Secret Committee, in cruizing the Cutters for prizes which he was ordered to purchase and load with Stores for these United States.

Evidence. Orders of Secret Committee, 30<sup>th</sup> May, 1776. Orders of Said Committee 3<sup>rd</sup> October, 1776. Deane's Narrative, page 46, 47, 48, 49.

4<sup>th</sup> Charge. That M<sup>r</sup> Deane exposed the interests of the United States by offending the French Court in breaking his engagements with it.

Evidence. Count de Vergennes' letter to the Commissioners, 16<sup>th</sup> July, 1777, and letter from him to Mons. Grand, dated 21<sup>st</sup> August, 1777.

5<sup>th</sup> Charge. That M<sup>r</sup> Deane exceeded his powers in the engagements he made with several French officers.

Evidence. Mons. Coudray's contract.

6<sup>th</sup> Charge. That M<sup>r</sup> Deane was in partnership with M<sup>r</sup> Jonathan Williams, and in his public character of Commissioner purchased stores of that partnership for these United States.

Evidence. M<sup>r</sup> Robt. Morris' letter, 28<sup>th</sup> Dec., 1777. M<sup>r</sup> Deane's narrative, page 60, 61.

7<sup>th</sup> Charge. That M<sup>r</sup> Deane withheld information from M<sup>r</sup> Lee, joint Commissioner with him and M<sup>r</sup> Franklin.

Evidence. Deane's Narrative, page 87. Extracts of letters from Mr. Ar. Lee, Williams and Delape, 10<sup>th</sup> Aug., 23 Dec., 1777; 9, 15, 21 Dec., 1777, and 3 Jany., 1778. M<sup>r</sup> Franklin's letter, Dec. 22, 1777, to M<sup>r</sup> Williams.

*8<sup>th</sup> Charge.* That M<sup>r</sup> Deane's public accounts are in a confused unsettled state.

*Evidence.* M<sup>r</sup> A. Lee's letter, 1<sup>st</sup> June, 1778. Deane's narrative page 104, 105.

*9<sup>th</sup> Charge.* That M<sup>r</sup> Deane traduced Congress in charging them with shutting their ears against his information and sacrificing him for the aggrandizement of others.

*Evidence.* M<sup>r</sup> Deane's publication, 5<sup>th</sup> Dec., 1777.

*10<sup>th</sup> Charge.* That M<sup>r</sup> Deane in his private character wrote to Congress information which in his letters wrote in his public character as Commissioner was directly contradicted.

*Evidence.* M<sup>r</sup> Deane's letter, 3<sup>rd</sup> and 10<sup>th</sup> Sept., 1777, and his public letter, 16<sup>th</sup> Feby., 1778.

[Charges against M<sup>r</sup> A. Lee with the Evidence.]

*1. Charge.* That M<sup>r</sup> A. Lee injured and embarrassed the affairs of these United States by manifesting a contempt for the French Nation, and by the rude disgusting manner in which he constantly spoke of them.

*Evidence.* M<sup>r</sup> Deane's narrative, p. 80, 101. M<sup>r</sup> Carmichael.

*2<sup>nd</sup> Charge.* That M<sup>r</sup> A. Lee is of a captious, suspicious and jealous temper, productive of quarrels, difficulties and embarrassments in his concerns and transactions with others.

*Evidence.* Deane's narrative, page 60, 63, 64, 65, 20, 15, 16, 84, 117, 118. Hodge's letter to Commissioners, 10 July, 1778. Williams' letter to M<sup>r</sup> Deane, 22 July, 1778. M<sup>r</sup> Holker, M<sup>r</sup> Carmichael. Letter from Doctor Franklin.

do from do to M<sup>r</sup> Deane, 7 April, 1778. M<sup>r</sup> Deane's publication, 5<sup>th</sup> Dec., 1778. M<sup>r</sup> Deane's papers, N°. 2 to page 6. Letter from M<sup>r</sup> Deane, Nov. 19<sup>th</sup>, 1778. Williams' letter to Congress, 10<sup>th</sup> Sept., 1778, page 3.

*3<sup>rd</sup> Charge.* That M<sup>r</sup> A. Lee on his arrival at the Court of Berlin, left his public papers in such insecurity that the British Envoy got possession of them.

*Evidence.* Deane's narrative, 75, 86. Deane's publication 5<sup>th</sup> Dec., 1778.

*4. Charge.* That M<sup>r</sup>. A. Lee being directed by Commissioners to go to Madrid, communicated his journey to so many, that the Court of Spain got information of it and was obliged to stop him at Burgos to prevent giving umbrage to the British Court.

*Evidence.* M<sup>r</sup> Deane's narrative, page 62.

5<sup>th</sup> *Charge.* That M<sup>r</sup> A. Lee disgusted the French Court and lost its confidence.

*Evidence.* Deane's narrative page 87.

6<sup>th</sup> *Charge.* That M<sup>r</sup> A. Lee in violation of his faith pledged in common with the Commissioners to Mons. Gérard, Plenipotentiary of France, to keep secret the concluding and signing the treaties with his Most Christian Majesty, immediately divulged the same to some person in Great Britain.

*Evidence.* Deane's Narrative, page 52, 81, 83. Deane's publication, 5<sup>th</sup> Dec., 1778.

7<sup>th</sup> *Charge.* That the disposition of M<sup>r</sup> A. Lee is such as leads him to littlenesses extremely disgusting to a gallant and polite people, and prejudicial to the character of the Country he represents.

*Evidence.* M<sup>r</sup> Deane's narrative, page 102, 108. M<sup>r</sup> Carmichael.

[Charges against M<sup>r</sup> B. Franklin with the evidence.]

1<sup>st</sup> *Charge.* That M<sup>r</sup> Benj. Franklin withheld information from M<sup>r</sup> A. Lee, Joint Commissioner with him and M<sup>r</sup> Deane.

*Evidence.* M<sup>r</sup> A. Lee's letter to Committee, 1 June 1778.

2<sup>nd</sup> *Charge.* That M<sup>r</sup> Franklin, from a partiality to his Nephew, M<sup>r</sup> Williams, and his friend, M<sup>r</sup> Chaumont, concurred with M<sup>r</sup> Deane in systems of profusion, disorder and dissipation in the conduct of public affairs.

*Evidence.* M<sup>r</sup> A. Lee's letter to the Committee, 1<sup>st</sup> June 1778.

3<sup>rd</sup> *Charge.* That M<sup>r</sup> Franklin is not a proper person to be trusted with the management of the affairs of America, that he is haughty and self sufficient, and not guided by principles of virtue or honor.

*Evidence.* M<sup>r</sup> Izard's letter to the honorable M<sup>r</sup> Laurens, President of Congress, 26<sup>th</sup> June, 1778.

[Charge against M<sup>r</sup> Izard with the evidence.]

*Charge.* That M<sup>r</sup> Izard, not being able to proceed to the Court of Tuscany in consequence of his appointment, has remained at Paris, and that the greater part of his time has been spent in altercations with M<sup>r</sup> Franklin, and writing letters to Congress replete with criminations of M<sup>r</sup> Franklin and M<sup>r</sup> Deane.

*Evidence.* M<sup>r</sup> Izard's letters.

[Charge against John Adams with the evidence.]

*Charge.* That M<sup>r</sup> John Adams threatened M<sup>r</sup> Izard with the displeasure of Congress in his opposing the 11 and 12<sup>th</sup> articles of the Treaty of commerce, and that the said M<sup>r</sup> John Adams entertained expectations that Congress would be inattentive to the interests of nine States of America to gratify the eaters and distillers of Molasses.

*Evidence.* M<sup>r</sup> Izard's letter to the President, 12<sup>th</sup> Sept., 1778.

[Charges against M<sup>r</sup> William Lee with the evidence.]

1<sup>st</sup> *Charge.* That M<sup>r</sup> William Lee, on his arrival in France to execute jointly with M<sup>r</sup> T. Morris the Commercial Agency for these States, refused to act publicly on account of his interest in London.

*Evidence.* Deane's Narrative, page 67. M<sup>r</sup> Williams letter to M<sup>r</sup> Deane, 22<sup>nd</sup> July, 1778. M<sup>r</sup> Deane to Congress, 22 Oct., 1778, page 7, 8, 9.

2<sup>nd</sup> *Charge.* That M<sup>r</sup> Wm. Lee is both Commissioner for the Court of Berlin and Commercial agent.

*Evidence.* Commissions. Deane's Narrative page 67, 68, 69. Deane's add. to Cong., 22 Oct., 1778, page 7, 8, 9.

3<sup>rd</sup> *Charge.* That M<sup>r</sup> W. Lee as Commercial Agent receives 5 per cent commission, when the said agency was executed by M<sup>r</sup> Williams for 2 per cent., and executed ably and honestly.

*Evidence.* Deane's Narrative, page 69. Deane's publication, 5<sup>th</sup> Dec., 1778. Williams' Letter 22<sup>nd</sup> July, 1778. Franklin's letter to Williams 22 Dec., 1777.

4<sup>th</sup> *Charge.* That the disposition of M<sup>r</sup> W. Lee is such as leads him to littlenesses extremely disgusting to a gallant and polite people, and prejudicial to the Character of the country he represents.

*Evidence.* Deane's narrative, 102, 108. M<sup>r</sup> Carmichael.

5<sup>th</sup> *Charge.* That M<sup>r</sup> Wm. Lee is totally disqualified for a public character.

*Evidence.* M<sup>r</sup> Deane's narrative, page 102. M<sup>r</sup> Carmichael.<sup>1</sup>

*Ordered,* That the consideration thereof be postponed to Friday next.

A letter, of 23d, from the Board of War, was read.<sup>2</sup>

<sup>1</sup>These papers, in the writing of William Paca, are in the *Papers of the Continental Congress*, No. 25, I, folio 87-103.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 147, III, folio 139.

Congress resumed the consideration of the report of the Committee of the Whole and after some time spent thereon,

Congress resumed the consideration of the report of the Committee of the Whole; and the fourth article being under debate, to wit:

4. That the navigation of the river Mississippi be acknowledged and ratified absolutely free to the subjects of the United States.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [William Henry] Drayton, to add these words, "provided that the allies of these United States shall declare themselves in circumstances to afford effectual assistance for carrying on the war until the said acknowledgment and ratification shall be obtained."

And on the question to agree to this amendment, the yeas and nays being required by Mr. R[ichard] H[enry] Lee,

<i>New Hampshire,</i>		<i>New Jersey,</i>	
Mr. Whipple,	no	Mr. Frelinghuysen,	no
Frost,	no	Fell,	no
<i>Massachusetts Bay,</i>		<i>Pennsylvania,</i>	
Mr. Gerry,	no	Mr. Armstrong,	no
Lovell,	no	Searle,	no
Holten,	no	Muhlenberg,	no
<i>Rhode Island,</i>		M'Lene,	no
Mr. Ellery,	no	<i>Delaware,</i>	
Collins,	no	Mr. Vandyke,	no } no
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Dyer,	no	Mr. Plater,	ay }
Root,	ay	Paca,	ay }
<i>New York,</i>		Carmichael,	no } div.
Mr. Jay,	no	Henry,	no }
Duane,	ay		
G. Morris,	no		
Floyd,	no		

<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams,	ay	Mr. Laurens,	no } div.
F. L. Lee,	no	Drayton,	ay }
M. Smith,	no	<i>Georgia,</i>	
R. H. Lee,	no } no	Mr. Langworthy,	ay } ay
Griffin,	no		
Nelson,	ay		
<i>North Carolina,</i>			
Mr. Penn,	ay		
Hill,	ay } ay		
Burke,	ay		

So it passed in the negative.<sup>1</sup>

On the question to agree to the article as reported, the yeas and nays being required by Mr. R[ichard] H[enry] Lee,

<i>New Hampshire,</i>		<i>New Jersey,</i>	
Mr. Whipple,	ay } div.	Mr. Frelinghuysen,	no } no
Frost,	no	Fell,	no }
<i>Massachusetts Bay,</i>		<i>Pennsylvania,</i>	
Mr. Gerry,	no	Mr. Armstrong,	ay }
Lovell,	no } no	Searle,	ay }
Holten,	no	Muhlenberg,	no } ay
<i>Rhode Island,</i>		M'Lene,	ay }
Mr. Ellery,	no } no	<i>Delaware,</i>	
Collins,	no	Mr. Vandyke,	no } no
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Dyer,	ay } div.	Mr. Plater,	no }
Root,	no	Paca,	no }
<i>New York,</i>		Carmichael,	no }
Mr. Jay,	no	Henry,	no }
Duane,	no } no		
Morris,	no		
Floyd,	ay		

<sup>1</sup> In Thomson's memorandum at this point occurs the following: "A motion was made by Mr. [Meriwether] Smith, and seconded by Mr. [Thomas] Nelson, after 'Mississippi' insert 'as low down as the southern boundary of the United States.' These words were struck out.

<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams,	no	Mr. Laurens,	no } no
F. L. Lee,	ay	Drayton,	
Smith,	no	<i>Georgia,</i>	
R. H. Lee,	ay	Mr. Langworthy,	no } no
Griffin,	no		
Nelson,	no		
<i>North Carolina,</i>			
Mr. Penn,	no		
Hill,	no		
Burke,	no		

So it passed in the negative.<sup>1</sup>

The committee of the whole having reported that they disagree to the fifth article in the report referred to them,

*Resolved*, That Congress concur with the committee.

On motion of Mr. [Elbridge] Gerry,

*Resolved*, That the third article be reconsidered. The article was then read as follows:

"That an acknowledgment be made by Great Britain of a common right in these states to fish on the coasts, bays and banks of Nova Scotia, the banks of Newfoundland and gulf of St. Lawrence, the coasts of Labrador and straits of Belleisle: Provided always, that the allies of these states shall be in circumstances to support them in carrying on the war for such acknowledgment; but that in no case, by any treaty of peace, the common right of fishing as above described be given up."

Whereupon a motion was made by Mr. Burke, seconded by Mr. to strike out the words between "to fish" and "provided," and in lieu thereof, to

<sup>1</sup> A note of this day's proceedings to this point, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, III, folio 483.

insert "on all and singular the fishing banks to the eastward of the island of Cape Breton and of Nova Scotia, which by the treaties of Utrecht and of Paris were ceded to the King of Great Britain, in exclusion of the subjects of France."<sup>1</sup>

A motion was made by Mr. [Richard] H[enry] Lee, seconded by Mr. [Eliphalet] Dyer, as a substitute to the whole,

"That the right of fishing on the coasts and banks of North America be reserved to the United States as fully as they enjoyed the same when subject to the King of Great Britain, excepting always what shall have been excepted by the treaty of Paris between France and the United States—the whole to be explained by the treaties of Utrecht and Paris with Great Britain, and of Paris with the United States of North America."<sup>2</sup>

On the question, Shall this be received as a substitute, the yeas and nays being required by Mr. [Elbridge] Gerry—

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple, ay	ay	Mr. Dyer, ay	ay
Frost, ay		Root, no	ay
<i>Massachusetts Bay,</i>		Spencer, ay	
Mr. S. Adams, ay		<i>New York,</i>	
Gerry, ay	ay	Mr. Jay, no	
Lovell, ay		Morris, no	
Holten, ay		Floyd, no	
<i>Rhode Island,</i>		Lewis, no	
Mr. Ellery, ay			
Collins, ay	ay		

<sup>1</sup>This motion in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 38, III, folio 499. He added: "This includes Mizen Bank, Middle Bank, Sable Island Bank, Brown's Bank and St. George's Bank."

<sup>2</sup>This motion, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 38, III, 497. The vote, in the writing of Charles Thomson, is noted upon it.

<i>New Jersey,</i>		<i>Virginia,</i>	
Mr. Fell,	} *	Mr. T. Adams,	no }
<i>Pennsylvania,</i>		F. L. Lee,	ay }
Mr. Armstrong,	ay	Smith,	no }
Searle,	ay	R. H. Lee,	ay } no
Muhlenberg,	ay	Griffin,	no }
M'Lene,	ay	Nelson,	no }
<i>Delaware,</i>		<i>North Carolina,</i>	
Mr. Vandyke,	ay ; ay	Mr. Penn,	no }
<i>Maryland,</i>		Hill,	no }
Mr. Plater	no	Burke,	no }
Paca,	no	<i>South Carolina,</i>	
Carmichael,	no	Mr. Laurens,	ay }
Henry,	no	Drayton,	no } div.
		<i>Georgia,</i>	
		Mr. Langworthy,	no ; no

So the substitute was received; and the article as heretofore agreed to, and the amendment proposed, were set aside.<sup>1</sup>

Adjourned to 10 o Clock to Morrow.

#### THURSDAY, MARCH 25, 1779

A petition of James Hartshorn, in behalf of 13 soldiers of Colonel Magaws regiment, was read:

*Ordered*, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Jeremiah Wadsworth, commissary general of purchases, on his application, for four million two hundred thousand dollars, for the use of his department, for which he is to be accountable.<sup>2</sup>

<sup>1</sup>These proceedings were entered only in the manuscript Secret Journals, Foreign Affairs.

<sup>2</sup>This report, dated March 24, is in the *Papers of the Continental Congress*, No. 136, III, folio 191.

The committee appointed to take into consideration the circumstances of the southern states, and the ways and means for their security and defence, brought in a report, which was taken into consideration, and some time being spent thereon,

*Resolved*, That the farther consideration thereof be postponed.<sup>1</sup>

Adjourned to 10 oClock to Morrow.

**FRIDAY, MARCH 26, 1779**

A letter, of 25, signed Joseph Reed, president, in behalf of council, John Harris, chairman committee of assembly, was read;<sup>2</sup> enclosing extracts from the minutes of the general assembly and council of Pennsylvania, desiring "a free conference with a committee of Congress upon divers transactions of that honorable body, which may have a tendency to interrupt the harmony and confidence so necessary for the common interest of this and the United States;" and appointing committees of their respective bodies to hold such conference.

On motion by Mr. G[ouverneur] Morris, seconded by Mr. M[eriwether] Smith, that the same be referred to a committee.

The yeas and nays being required by Mr. [James] Searle,

<sup>1</sup> The cause of the postponement was the reference to Washington of the question whether a corps of cavalry could be detached from the regular army to the aid of the southern army. *Burke to Washington*, March 24, 1779. *Washington Papers, Letters to Washington*.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 23.

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple, Frost,	no } no	Mr. Vandyke,	no ; no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams, Lovell, Holten,	no } ay } no	Mr. Plater, Paca, Carmichael, Henry,	ay } ay } ay no
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery, Collins,	no } ay } div.	Mr. T. Adams, F. L. Lee, Smith, R. H. Lee, Griffin, Nelson,	ay } no ay } ay no ay ay
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Dyer, Root,	no } no	Mr. Penn, Hill, Burke,	ay } ay ay
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Jay, Duane, Morris, Floyd, Lewis,	ay no ay } ay ay no	Mr. Laurens, Drayton,	no } div. ay
<i>New Jersey,</i>		<i>Georgia,</i>	
Mr. Fell,	ay } *	Mr. Langworthy,	ay } ay
<i>Pennsylvania,</i>			
Mr. J. Armstrong, Shippen, Searle, Muhlenberg, M'Lene,	no no no } no no no		

So the states were equally divided.

A motion was made by Mr. [Gouverneur] Morris, and seconded by Mr. [William Henry] Drayton, in the following words:

"Whereas, it appears from an extract of the minutes of the general assembly of Pennsylvania of the 25 instant, enclosed in the letter read this morning, that

"The honorable the speaker, agreeable to the direction of the house last evening, made the following report of the conference with the supreme executive council: that

the president, on the part of the council, had represented that the harmony and confidence so necessary for the common interests of this and the United States, was in a great danger of being interrupted by some late transactions of the honorable the Continental Congress, respecting the executive authority of the State: that several instances were enumerated, shewing that reasonable complaints made to Congress on former and late occasions had been either wholly neglected, or so treated that it would have been more honorable and advantageous to the State, to have submitted silently to the injuries complained of, while other states on complaints of a similar nature, have received speedy and ample satisfaction: that it was necessary that the true interests of the State of Pennsylvania, its importance and services in the common cause, should be better known and understood by that honorable body than they hitherto seem to have been: as a happy means of removing all discontents, and promoting a perfect restoration of that union and harmony so essential to the interests and happiness of all, that it was proposed as an advance to those desirable objects, to request the honorable the Congress to appoint a committee to meet a joint committee of the council and this house, in a free conference on the subject matter of said representation.”

And whereas, it appears by the said extract, that “the house taking the said report into consideration, resolved, that the house do approve of the said proposal contained in the above report, as highly necessary and proper to effect the desirable purposes abovementioned, at least to demonstrate their most earnest wishes to avoid every ground of controversy.”

*Resolved*, That although Congress by no means admit the justice of the representation made against them by

the said president, yet from an earnest desire to remove from the minds of the said assembly all ground of discontent, a committee be appointed to confer with the joint committee of the said assembly and council; and that the said committee be directed to report the matters and things which may be adduced in support of the said representation.<sup>1</sup>

A motion was made by Mr. [Meriwether] Smith, and seconded by Mr. [John] Penn, to strike out the words "with the joint committees of the said assembly and council;" and insert the words "with the committee of the said assembly."

On which the yeas and nays being required by Mr. [John] Jay,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple, Frost,	no } no	Mr. Armstrong, Shippen,	no
<i>Massachusetts Bay,</i>		Muhlenberg,	no } no
Mr. S. Adams, Lovell, Holten,	no } no	Searle, M'Lene,	no }
<i>Rhode Island,</i>		<i>Delaware,</i>	
Mr. Ellery, Collins,	ay } ay	Mr. Vandyke,	no } no
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Dyer, Root,	no } no	Mr. Plater, Paca,	ay }
<i>New York,</i>		Carmichael,	ay } div.
Mr. Jay, Duane, Morris, Floyd, Lewis,	ay } no } ay } ay ay } no }	Henry,	no }
<i>New Jersey,</i>		<i>Virginia,</i>	
Mr. Fell,	no } *	Mr. T. Adams, F. L. Lee,	ay }
		Smith, R. H. Lee,	ay }
		Griffin, Nelson,	ay }

<sup>1</sup> This motion, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 36, III, folio 513.

<i>North Carolina,</i>		<i>South Carolina,</i>	
Mr. Penn,	ay	Mr. Laurens,	no
Hill,	ay	Drayton,	ay } div.
Burke,	ay	<i>Georgia,</i>	
		Mr. Langworthy,	ay ay

So the states were equally divided.

Adjourned to 10 o Clock to Morrow.

SATURDAY, MARCH 27, 1779

A letter, of this day, from Major General Arnold was read.

A letter, of 1, from J. Powell, president, in behalf of the general assembly of Massachusetts bay, was read:

*Ordered*, That it be referred to the delegates of Massachusetts bay.

A letter, of 20, from W. Livingston, governor of New Jersey,

And one, of 25, from R. Sewell and Frederick Kuhl, were read.<sup>1</sup>

Mr. Joseph Spencer, a delegate from Connecticut, attended and produced the credentials of his appointment, which were read, as follows:

At a General Assembly of the Governor and Company of the State of Connecticut in America, holden at Hartford by Adjournment on the seventh Day of January, Anno Domini 1779.

This Assembly do appoint the Hon<sup>ble</sup> Joseph Spencer, Esq<sup>r</sup> to be one of the Delegates to represent this State in the Honorable Congress of the United States, in the room of Andrew Adams, Esq<sup>r</sup>, resigned.

A true Copy of Record,

Examined

By GEORGE WYLLYS, Secretary.<sup>2</sup>

<sup>1</sup> Arnold's letter is in the *Papers of the Continental Congress*, No. 162, folio 173; that of Powell is in No. 65, I, folio 388; that of Livingston, in No. 68, folio 437; and that of Sewell, in No. 78, XX, folio 395.

<sup>2</sup> The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates*.

A motion was made by Mr. [William Henry] Drayton, and seconded by Mr. [John] Penn, That Congress take into consideration the report of the committee on the letter of 25 January last, from the president of the council of Pennsylvania, and the letter, of 8 February from Major General Arnold;

On which, the yeas and nays being required by Mr. [Edward] Langworthy,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. Van Dyke,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. Lovell,	ay }	Mr. Plater,	ay }
Holten,	*	Paca,	ay }
<i>Rhode Island,</i>		Henry,	ay }
Mr. Ellery,	ay }	Mr. T. Adams,	ay }
Collins,	ay } ay	F. L. Lee,	ay }
<i>Connecticut,</i>		Smith,	no }
Mr. Dyer,	no }	R. H. Lee,	no }
Root,	ay }	Nelson,	no }
Spencer,	excused }	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Penn,	ay }
Mr. Jay,	ay }	Burke,	ay }
Morris,	ay }	<i>South Carolina,</i>	
<i>Pennsylvania,</i>		Mr. Laurens,	no }
Mr. Armstrong,	no }	Drayton,	ay }
Muhlenberg,	no }	<i>Georgia,</i>	div.
McLene,	no }	Mr. Langworthy,	ay }

So it was resolved in the affirmative.

The report of the committee, and the papers accompanying it were then read.

After the papers were read, a motion was made by Mr. [James] Lovell, and seconded by Mr. [Richard] H[enry] Lee,

That the further consideration of the report be postponed until the House determine upon the propriety of

appointing a committee to confer with the joint committee of the assembly and executive council of Pennsylvania; on which the yeas and nays being required by Mr. [James] Searle:

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	ay } ay	Mr. Van Dyke,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	ay }	Mr. Plater,	ay
Lovell,	ay } ay	Paca,	no }
Holten,	ay }	Carmichael,	no }
<i>Rhode Island,</i>		Henry,	ay
Mr. Ellery,	no }	<i>Virginia,</i>	
Collins,	no }	Mr. T. Adams,	ay
<i>Connecticut,</i>		Smith,	ay }
Mr. Dyer,	ay }	R. H. Lee,	ay }
Root,	ay }	Griffin,	no }
Spencer,	excused }	Nelson	ay
<i>New York,</i>		<i>North Carolina,</i>	
Mr. Jay,	no }	Mr. Penn,	no }
Morris,	ay }	Burke,	ay }
<i>New Jersey,</i>		<i>South Carolina,</i>	
Mr. Fell,	ay } *	Mr. Drayton,	no }
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Armstrong,	ay }	Mr. Langworthy	no }
Shippen,	ay }		
Searle,	ay }		
Muhlenberg,	ay }		
McLene,	ay }		

So it was resolved in the affirmative.

With the leave of the House a motion was made by Mr. M[eriwether] Smith, and seconded by Mr. [Thomas] Burke, in the following words:

"Whereas it is of the utmost importance that the Congress should be well informed of the situation of the several courts of Europe, and particularly of the views and designs of the British ministry; and whereas the servants

of the United States at foreign courts have not in their public letters given satisfactory information on that subject, and have written private letters to individuals, members of this House, which have lately arrived: therefore,

*"Resolved,* That the members of Congress be called on from the chair, to declare upon their honor whether they have received any, and what intelligence relative to the views and designs of any of the European courts, and particularly of the Court of Great Britain."

On the question to agree to the resolution, the yeas and nays being required by Mr. M[eriwether] Smith,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	ay } ay	Mr. Vandyke,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	ay	Mr. Plater,	ay
Lovell,	ay } ay	Paca,	ay } ay
Holten,	ay }	Carmichael,	ay }
<i>Rhode Island,</i>		Henry,	ay }
Mr. Collins,	ay } div.	<i>Virginia,</i>	
Ellery,	no }	Mr. T. Adams,	ay
<i>Connecticut,</i>		R. H. Lee,	ay }
Mr. Dyer,	ay }	M. Smith,	ay }
Root,	ay } ay	Griffin,	no }
Spencer,	no }	Nelson,	ay }
<i>New York,</i>		<i>North Carolina,</i>	
Mr. Jay,	ay }	Mr. Penn,	ay }
Morris,	ay }	Burke,	ay }
<i>New Jersey,</i>		<i>South Carolina,</i>	
Mr. Fell,	ay } *	Mr. Laurens,	ay }
<i>Pennsylvania,</i>		Drayton,	ay }
Mr. Armstrong,	ay }	<i>Georgia,</i>	
Searle,	ay }	Mr. Langworthy,	ay } ay
Shippen,	ay }		
Muhlenberg,	ay }		
M'Lene,	ay }		

So it was resolved in the affirmative.

A motion was made by Mr. [Samuel] Holten, and seconded by Mr. R[ichard] H[enry] Lee, to strike out the words in the preamble, "and whereas the servants of the United States at foreign courts have not in their public letters given satisfactory information on that subject, and have written private letters to individuals, members of this House, which have lately arrived:" the words moved to be struck out containing two parts, the same were divided, and on the question, that the first part, as far as the words "on that subject," inclusive, stand as part of the preamble, the yeas and nays being required by Mr. [Meriwether] Smith,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. Van Dyke,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. Lovell,	no }	Mr. Plater,	ay }
Adams,	no }	Paca,	no }
Holten,	no }	Carmichael,	ay }
<i>Rhode Island,</i>		Henry,	no }
Mr. Collins,	no }	<i>Virginia,</i>	
Ellery,	no }	Mr. T. Adams,	ay }
<i>Connecticut,</i>		F. L. Lee,	no }
Mr. Dyer,	no }	M. Smith,	ay }
Root,	no }	R. H. Lee,	no }
Spencer,	no }	Griffin,	ay }
<i>New York,</i>		Nelson,	ay }
Mr. Jay,	ay }	<i>North Carolina,</i>	
Morris,	ay }	Mr. Penn,	ay }
<i>New Jersey,</i>		Burke,	ay }
Mr. Fell,	ay } *	<i>South Carolina,</i>	
<i>Pennsylvania,</i>		Mr. Laurens,	no }
Mr. Armstrong,	no }	Drayton,	ay }
Shippen,	no }	<i>Georgia,</i>	
Searle,	no }	Mr. Langworthy,	ay }
Muhlenberg,	no }		
M'Lene,	no }		

So it passed in the negative.

Leave was then requested to withdraw the latter part, which being objected to, a question was then put, that the latter part, viz. "and have written private letters," &c. stand part of the preamble; on which the yeas and nays being required by Mr. [William] Ellery, passed in the negative, every member answering no.

On the question to agree to the first part of the preamble: resolved in the affirmative.

The committee for publishing the journals desired the sense of the House on the question, shall the yeas and nays be printed in the journals now publishing?

And on the question, the yeas and nays being required by Mr. [Henry] Laurens,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. Vandyke,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no }	Mr. Plater,	ay }
Lovell,	ay } ay	Paca,	ay }
Holten,	ay }	Carmichael,	ay }
<i>Rhode Island,</i>		Henry,	ay }
Mr. Ellery,	ay }	<i>Virginia,</i>	
Collins,	ay }	Mr. T. Adams,	ay }
<i>Connecticut,</i>		F. L. Lee,	no }
Mr. Dyer,	ay }	M. Smith,	ay }
Root,	no }	R. H. Lee,	ay }
Spencer,	no }	Griffin,	ay }
<i>New York,</i>		Nelson,	ay }
Mr. Jay,	ay }	<i>North Carolina,</i>	
Morris,	ay }	Mr. Penn,	ay }
<i>New Jersey,</i>		Burke,	ay }
Mr. Fell,	no } *	<i>South Carolina,</i>	
<i>Pennsylvania,</i>		Mr. Laurens,	ay }
Mr. Armstrong,	ay }	Drayton,	ay }
Shippen,	no }		
Searle,	ay }		
Muhlenberg,	ay }		
M'Lene,	ay }		

So it was resolved in the affirmative.

Adjourned to 10 o Clock on Monday next.

MONDAY, MARCH 29, 1779

A letter, of this day, from Benjamin Stelle, deputy paymaster in the eastern department, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 24, from General Washington, and one, of 25th, from N. Greene, Q<sup>u</sup>: M<sup>u</sup>: General, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of 16, from Martin Eichelberger, a lieutenant in the regiment late commanded by Colonel Hartley, was read, desiring leave to resign:<sup>1</sup>

*Resolved*, That his resignation be accepted.

A letter, of 25, from Baron Steuben was read, accompanied with a system of regulations for the infantry of the United States; also, a letter from the Board of War, representing that Baron Steuben, inspector general, has formed a system of exercise and discipline for the infantry of the United States; that the same has been submitted to the inspection of the Commander in Chief, and his remarks thereon and amendments incorporated in the work: that it has been examined with attention by the Board, and is highly approved, as being calculated to produce important advantages to the states; and therefore praying "that it may receive the sanction of Congress, and be committed to the press:"<sup>2</sup> Whereupon,

Congress passed the following order, to be prefixed to the said regulations for the order and discipline of the troops of the United States:

<sup>1</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 199; that of Greene, in No. 155, I, folio 119; and that of Eichelberger, in No. 78, VIII, folio 311.

<sup>2</sup> Steuben's letter is in the *Papers of the Continental Congress*, No. 164, folio 174; that of the Board of War, dated March 27, is in No. 147, III, folio 143.

Congress judging it of the greatest importance to prescribe some invariable rules for the order and discipline of the troops, especially for the purpose of introducing an uniformity in their formation and manœuvres, and in the service of the camp:

*Ordered*, That the following regulations be observed by all the troops of the United States, and that all general and other officers cause the same to be executed with all possible exactness.

*Ordered*, That the Board of War cause as many copies thereof to be printed as they shall deem requisite for the use of the troops.

Congress resumed the consideration of the report of the committee on the circumstances of the southern states, and the ways and means for their safety and defence: wherein the committee report:

That the circumstances of the army will not admit of the detaching of any force for the defence of South Carolina and Georgia.

That the continental battalions of those two States are not adequate to their defence.

That the three battalions of North Carolina continental troops now on the southern service are composed of draughts from the militia for nine months only, which term with respect to a great part of them will expire before the end of the campaign.

That all the other force now employed for the defence of the said States consists of militia, who from the remoteness of their habitations and the difficulties attending their service ought not to be relied on for continued exertions and a protracted war.

That the State of South Carolina as represented by the delegates of the said State and by Mr. Huger, who has

come hither at the request of the governor of the said State, on purpose to explain the particular circumstances thereof, is unable to make any effectual efforts with militia, by reason of the great proportion of citizens necessary to remain at home to prevent insurrections among the negroes, and to prevent the desertion of them to the enemy.

That the state of the country and the great numbers of those people among them expose the inhabitants to great danger from the endeavours of the enemy to excite them, either to revolt or to desert. That it is suggested by the delegates of the said State, and by Mr. Huger, that a force might be raised in the said State from among the negroes which would not only be formidable to the enemy from their numbers and the discipline of which they would very readily admit, but would also lessen the danger from revolts and desertions by detaching the most vigorous and enterprizing from among the negroes. That as this measure may involve inconveniences peculiarly affecting the states of South Carolina and Georgia, the committee are of opinion that the same should be submitted to the governing powers of the said states, and if the said powers shall judge it expedient to raise such a force, that the United States ought to defray the expence thereof; Whereupon,

~~Resolved~~, That it be recommended to the Governing Powers of the States of South Carolina and Georgia, to consider of the Necessity, and Utility of arming [if they shall with Congress think it expedient to take measures for immediately]<sup>1</sup> raising a force of able bodied Negroes, either for filling up the continental Battalions of those States, or for forming separate Corps, to be commanded by white Commissioned and NonCommissioned Officers, the commissioned officers to be appointed by the said governing Powers respectively, or for both purposes.

<sup>1</sup> The words in brackets are in the writing of John Jay.

*Resolved*, That it be recommended to the states of South Carolina and Georgia, if they shall think the same expedient, to take measures immediately for raising three thousand able bodied negroes.

That the said negroes be formed into separate corps as battalions, according to the arrangements adopted for the main army, to be commanded by white commissioned and non commissioned officers.

That the commissioned officers be appointed by the said states.

That the non commissioned officers may, if the said states respectively shall think proper, be taken from among the non commissioned officers and soldiers of the continental battalions of the said states respectively.

That the governors of the said states, together with the commanding officer of the southern army, be empowered to incorporate the several continental battalions of their states with each other respectively, agreeable to the arrangement of the army as established by the resolutions of May 27, 1778, and to appoint such of the supernumerary officers to command the said negroes as shall chuse to go into that service.<sup>1</sup>

*Resolved*, That congress will make provision for paying the proprietors of such negroes as shall be inlisted for the service of the United States during the war, a full compensation for the property at a rate not exceeding one thousand dollars for each active able bodied negro man of standard size, not exceeding thirty five years of age, who shall be so inlisted and pass muster.

That no pay or bounty be allowed to the said negroes, but that they be cloathed and subsisted at the expence of the United States.

<sup>1</sup>These five paragraphs were substituted for the one paragraph in the original report, in the writing of Gouverneur Morris. They are on folio 369.

That every negro who shall well and faithfully serve as a soldier to the end of the present war, and shall then return his arms, be emancipated and receive the sum of fifty dollars.

*Resolved*, That it be recommended to the states of Virginia and North Carolina respectively, to raise as many battalions of regular troops, for the particular defence of the southern states, as their respective circumstances will admit; such troops to be engaged only for one year, not to be compelled to serve on any enterprise, or on the defence of any post to the northward of Virginia; to be entitled to continental pay, cloathing and subsistence, and a bounty not exceeding 200 dollars for every non-commissioned officer and soldier.

Whereas the Bahama Islands are now garrisoned by and under the military government of the king of Great Britain, and the inhabitants of the said Islands have of late fitted out many privateers and armed vessels for cruizing on the coasts of these United States; and such privateers and armed vessels have actually captured divers vessels, the property of the citizens of these states, on the coast of South Carolina:

*Resolved*, That the resolution of Congress of the twenty-fourth day of July, 1776, so far as it relates to the said Bahama Islands, be repealed, and from and after the date of this resolution held void.<sup>1</sup>

Whereas John Laurens, Esq. who has heretofore acted aid de camp to the Commander in Chief, is desirous of repairing to South Carolina, with a design to assist in defence of the southern states:

*Resolved*, That a commission of lieutenant colonel be granted to the said John Laurens, Esq. ~~his rank to com-~~

<sup>1</sup>This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 20, II, folio 365.

~~mence the 5 October, 1777, the time he entered into the war, appointed aid de camp by the Commander in Chief.~~

~~Resolved, That the President write to Major General Lincoln, expressing the high sense Congress have of the merits and services of Lieutenant Colonel Laurens, and the desire they have that he be put into command as soon as the service will admit.~~

Congress resumed the consideration of the motion under debate on Friday last, and doubts arising respecting the effect of the equal division of the House on the amendment proposed:

*Resolved*, That the motion remains open to amendments, as if no question had been taken.

On motion by Mr. [Meriwether] Smith, seconded by Mr. [Thomas] Burke,

*Resolved*, That whenever an amendment is moved to any matter or thing before the House, and any words are proposed to be struck out, the question shall first be put, shall the words moved to be struck out stand?

A motion was made by Mr. [Meriwether] Smith, and seconded by Mr. [William Henry] Drayton, to strike out the words "joint" and "council;" and on the question, shall they stand?

The yeas and nays being required by Mr. [James] Searle,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple, Frost,	ay } ay	Mr. Dyer, Root,	ay } ay
<i>Massachusetts Bay,</i>		Spencer,	ay }
Mr. S. Adams, Lovell, Holten,	ay } ay	<i>New York,</i>	
<i>Rhode Island,</i>	ay }	Mr. Jay, Floyd, Lewis,	no } no
Mr. Collins,	no } no		ay }

<i>New Jersey,</i>		<i>Virginia,</i>	
Mr. Fell,	ay } *	Mr. T. Adams,	no }
<i>Pennsylvania,</i>		F. L. Lee,	ay }
Mr. Armstrong,	ay }	M. Smith,	no }
Shippen,	ay }	R. L. Lee,	ay } div.
Searle,	ay } ay	Griffin,	no }
Muhlenberg,	ay }	Nelson,	ay }
M'Lene,	ay }	<i>North Carolina,</i>	
<i>Delaware,</i>		Mr. Penn,	no }
Mr. Vandyke,	ay } ay	Hill,	ay } ay
<i>Maryland,</i>		Burke,	ay }
Mr. Plater,	ay }	<i>South Carolina,</i>	
Paca,	ay }	Mr. Laurens,	ay }
Carmichael,	no } ay	Drayton,	no } div.
Henry,	ay }		

So it was resolved in the affirmative.

On the question to agree to the motion: resolved in the affirmative.

*Resolved*, That the committee consist of five:

The members chosen, Mr. [William] Paca, Mr. [Jesse] Root, Mr. S[amuel] Adams, Mr. [Henry] Laurens and Mr. R[ichard] H[enry] Lee.

Mr. M. Smith informed Congress, that he had repeatedly given it as his opinion, that the Commercial Affairs of these United States were in a disgraceful situation; that the present mode of conducting them by a Committee of Congress was attended with dishonour and injury to the credit and interest of these States; That he found himself called upon by duty to repeat what he had before said, and to give it as his opinion, that supplies, nearly equal to the necessities of the Army, from any exertions of the Committee of Commerce, ought not to be relied on or expected; and requested that he might be excused from serving upon the said Committee.<sup>1</sup>

<sup>1</sup>This motion, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 16. It is endorsed: "Motion of Mr. M. Smith, offered March 29, 1779. But not accepted, another motion which was made previous to it being preferred."

TUESDAY, MARCH 30, 1779

A resolution of the council of Massachusetts bay, of 23 February, was read, respecting the powers of foreign consuls:

*Ordered*, That it be referred to the Marine Committee.

A letter, of 6, from J. Trumbull, governor of Connecticut, to Mr. [Jesse] Root, one of the delegates of that State in Congress, was read, respecting the Salisbury furnace:

*Ordered*, That it be referred to the Board of War.

A letter from Francis Bailey, printer, was read:

*Ordered*, That it be referred to the committee appointed to superintend the publication of the journals.

A letter, of 29, from J. Reed, president of Pennsylvania, was read, desiring to be furnished with copies of the affidavits of Majors Clarkson and Franks, taken in the case of Major General Arnold, in which are any particulars respecting him:<sup>1</sup>

*Ordered*, That he be furnished with copies of the affidavits required.

A letter, of 26, from General Washington; and one, of 29, from S. Deane; and a letter, of this day, from hon<sup>ble</sup> Sr. Gérard, minister plenipotentiary of France, were read.<sup>2</sup>

Mr. R[ichard] H[enry] Lee laid before Congress an extract of a letter from W. Aylett, deputy commissary general of purchases in Virginia, which was read:

<sup>1</sup> The Massachusetts resolution is in the *Papers of the Continental Congress*, No. 65, I, folio 386; the letter of Trumbull is in No. 66, II, folio 5; that of Bailey, dated the 29th, is in No. 78, III, folio 297, and the affidavits are in No. 69, II, folio 35.

<sup>2</sup> The Washington letter is in No. 152, VII, folio 203; that of Deane is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 104; that of Gérard is in the same volume, 106.

*Ordered*, That it be referred to the committee appointed to superintend the departments of the quartermaster and commissary general of purchases.

An extract from the minutes of the general assembly of Pennsylvania was read, respecting the German battalion:

*Ordered*, That it be referred to the Board of War.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Alexander Fowler, Esq., auditor for the army in the western district, on his application for five hundred dollars, for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for five thousand dollars, to enable him to exchange money out of circulation for officers and soldiers on their way to camp, and for which he is to be accountable.<sup>1</sup>

The commissioners report,

That there is due to Colonel Lewis Nicola's regiment of invalids, their pay and subsistence for the month of January last, amounting to two thousand two hundred and seventy five and 50/90 dollars, to be paid to Colonel L. Nicola.

That there is due to Captain W. Peery, for his expences on a journey to Yorktown, and twice to Philadelphia, to procure money to pay his independent company at Lewistown on Delaware, one hundred and seventy three and 30/90th dollars.

That there is due to B. P. Smith, for his services in the Secretary's office, from the 10 January to the 19 of March,

<sup>1</sup>This report, dated March 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 193.

1779, inclusive, two hundred and thirty three dollars and 30/90ths.

That there is due to Thomas Paine, his pay as secretary to the Committee for Foreign Affairs, from 17 September, 1778, to 8 January, 1779, when he resigned, two hundred and sixty one dollars, and for rent of the committee chamber, fire, candles, &c. one hundred and fifty dollars, the whole making 411 dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

*Ordered*, That so much of the report of the commissioners, of 3 March instant, as relates to J. Dunlap's account be referred to the Board of Treasury.

The committee on the quartermaster's and commissary's departments, to whom was referred the memorial of James Mather, brought in a report; Whereupon,

*Ordered*, That a copy of the said memorial of James Mather be transmitted to William Buchannan, late commissary general of purchases, and that he be directed to cause justice to be done in the premises.

On information, and at the request of the committee appointed on the 6 to confer with a committee of the general assembly of Pennsylvania, on the subject of the proceedings relative to the sloop *Active*:

*Resolved*, That the said committee be discharged, and that the subject be referred to the committee appointed yesterday to confer with the joint committee of the general assembly and council of Pennsylvania.

The committee on the quarter master's and commissary's department, to whom were referred the petitions of Thomas Levis, and of Bernard Gotz, and the memorial of Henry Shitz and others, reported,

<sup>1</sup>This report, dated March 28, is in the *Papers of the Continental Congress*, No. 136, III, folio 195.

That no private compensation can or ought to be made to individuals, other than such as may be due by general resolutions in such cases made and provided.<sup>1</sup>

On the question to agree to the report,  
Passed in the negative.

Congress resumed the consideration of the report of the Committee on the Whole, and some time being spent thereon,

Adjourned to 10 o Clock to Morrow.<sup>2</sup>

**WEDNESDAY, MARCH 31, 1779**

A letter, of the 30th, from T. Paine was read.<sup>3</sup>

On motion by Mr. [William Henry] Drayton, seconded

<sup>1</sup>This report, in the writing of William Whipple, is in the *Papers of the Continental Congress*, No. 22, folio 149. On it Thomson has noted the following vote:

Frost,	no	McClene,	no
S. Adams,	no	Van Dyke,	no
Lovell,	no	Plater,	no
Holten,	no	Paca,	no
Collins,	no	Henry,	no
Root,	no	T. Adams,	no
Spencer,	no	F. L. Lee,	ay
Jay,	no	Smith,	no
Morris,	ay	Penn,	no
Floyd,	no	Hill,	no
Armstrong,	no	Laurens,	no
Searle,	no	Drayton,	no
Muhlenburg,	no	Langworthy,	no

<sup>2</sup>In the *Papers of the Continental Congress*, No. 41, I, folio 29, is a petition from John Ashmead to the Marine Committee, dated March 30, on which is endorsed the following report of the Committee:

"The above Petition, having been considered by the Marine Committee, they do not think themselves authorized to augment the pay of the Petitioner, nor make such compensation as his necessitous circumstances occasioned by the lowness of his pay, and losses sustained in the service of the Public, entitle him to: But the strict attention which he has always given to the public Interest, and the faithful discharge of his Duty, has been such as induces the Committee to move to Congress that an allowance of one thousand dollars be made to him in consideration of his heavy losses."

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 55, folio 43.

by Mr. M[eriwether] Smith, Congress came to the following resolution:

Whereas it is essential to the interests and security of every free state, that the conduct of the public servants should be known to their constituents:

*Resolved*, That, from the first of January last, the journals of this house, except such parts as have been or shall be ordered to be kept secret, be printed immediately; and that, for the future, the journal, except as above, be printed weekly and sent to the executive powers of the several states, to be by them laid before their respective legislatures; and that a printer be engaged to print for Congress; and also a printer or printers be employed to bring up the journals from the time of their present publication to the said first of January.

*Resolved*, That three members be added to the committee appointed to superintend the publication of the journals:

The members chosen, Mr. [Whitmill] Hill, Mr. [William] Floyd, and Mr. [Frederick A.] Muhlenberg.

*Ordered*, That the letter of T. Paine lie on the table.

A letter, of 30th, from Jonathan Trumbull, Jun. was read, respecting the settlement of the accounts of his brother, Joseph Trumbull, late commissary general:<sup>1</sup>

Whereupon, the committee to whom was re-committed the report on the letter of Governor Trumbull, of 8th October, and the memorial of William Hoskins, reported,

That it appears to your committee, that the late commissary general Joseph Trumbull, coming into office in the earliest stage of the American contest, found himself without a system by which to trace the plan of his duty; that, with great care, industry, labor, and attention, he instituted a plan by which the army, during his continu-

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 617.

ance in office, was amply supplied, with much oeconomy, and to general satisfaction: that, during his commissariate, he was obliged to act not only in capacity of commissary general of purchases, but to direct all the issues of provisions, and, for near two campaigns, had the additional duty of purveyor of the hospitals and quarter master general, the three last of which employments greatly increased his care and trouble, but not so much his expenditure of moneys: it appears also to your committee, that the said commissary general made great savings to the public by his large and seasonable purchases and contracts, outrunning and anticipating, in many instances, the orders of Congress, by which means he kept up large supplies, thereby moderating the demands of the seller, intercepting monopolies, and keeping down prices, which are now greatly augmented: that your committee have been shewn a state of the commissary general's cash accounts for moneys received and issued by him, from which it appears that little, if any public moneys have been taken to his private use; and that a compensation for services done by the commissary general still remains to be made, at a time, too, when the value of our currency is greatly altered from what it was when the services were performed; whereupon, your committee report the following resolutions:

That for the services of the late Commissary General Trumbull, executed with great fidelity, prudence, care, and oeconomy, the following allowances be made for the benefit of the legal representatives of the deceased, viz. a commission of one half per cent. on the gross sum of all moneys received and issued by him for public service; also a commission of two and an half per cent. on such sums as appear to have been laid out in purchases made by himself; and also a further commission of one half

per cent. on the gross sum received, as a compensation for his extra services in issuing, purveying, quarter master's duties, and various contingencies of office, extra expences, &c. &c.

That the amount arising from such allowances be immediately paid into the hands of the administrator on the deceased's estate, upon settlement of the cash account for moneys received and issued by the late Commissary General Trumbull:

That the administrator be directed, as soon as may be, to exhibit for final settlement before the treasury, the cash accounts above mentioned; and that said accounts being closed, the administrator be thereupon exonerated from further burthens of settlements, holding himself accountable, however, for any balance which, upon settlement made with the several purchasers employed by Commissary Trumbull, may hereafter appear to be justly due to the public from the said Commissary General Trumbull's estate:

That William Hoskins be appointed and empowered to call to account and make settlements with all persons who have been employed under the late Commissary Trumbull, as purchasers of stores and provisions, whose accounts are still unclosed, and prepare, as soon as possible, all the accounts of the said commissary general remaining unsettled, and lay them before the treasury for final settlement, the said William Hoskins being authorized to receive and pay balances which appear to be due, and to account:

That for his services he be allowed <sup>1</sup>

Congress took into consideration the said report, and, on the question to agree to the first commission of one

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 20, I, folio 255. See under November 2, 1778, vol. XII, p. 1091.

half per cent. the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	ay } ay	Mr. Vandyke,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	ay }	Mr. Plater,	no
Lovell,	ay } ay	Paca,	no } no
Holten,	no }	Henry,	no
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery,	ay } ay	Mr. T. Adams,	ay
Collins,	ay }	M. Smith,	no
<i>Connecticut,</i>		R. H. Lee,	ay } ay
Mr. Root,	ay }	Griffin,	ay
Spencer,	ay }	Nelson,	no
<i>New York,</i>		<i>North Carolina,</i>	
Mr. Jay,	no }	Mr. Penn,	no
Morris,	no }	Hill,	no } no
Floyd,	ay }	Burke,	no
Lewis,	ay }	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Laurens,	ay }
Mr. Fell,	no } *	Drayton,	div.
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Armstrong,	no }	Mr. Langworthy,	ay } ay
Searle,	ay }		
Muhlenberg,	ay }		
M'Lene,	ay }		

So it was resolved in the affirmative.

On the question to agree to the commission of two and [an] half per cent. the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Whipple,	ay } ay	Mr. Ellery,	ay } ay
<i>Massachusetts Bay,</i>		Collins,	ay }
Mr. S. Adams,	ay }	<i>Connecticut,</i>	
Lovell,	ay } ay	Mr. Root,	ay } ay
Holten,	no }	Spencer,	ay }

<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay,	no	Mr. T. Adams,	ay
Morris,	no	F. L. Lee,	ay
Floyd,	ay	M. Smith,	no
Lewis,	ay	R. H. Lee,	ay
<i>New Jersey,</i>		Griffin,	ay
Mr. Fell,	no } *	Nelson,	no
<i>Pennsylvania,</i>		<i>North Carolina,</i>	
Mr. Armstrong,	no	Mr. Penn,	no
Searle,	ay	Hill,	no
Muhlenberg,	ay	Burke,	no
M'Lene,	ay	<i>South Carolina,</i>	
<i>Delaware,</i>		Mr. Laurens,	ay
Mr. Vandyke,	ay } ay	Drayton,	no } div.
<i>Maryland,</i>		<i>Georgia,</i>	
Mr. Plater,	no	Mr. Langworthy,	ay } ay
Paca,	no		
Henry,	no		

So it was resolved in the affirmative.

On the question to agree to the last commission of half per cent. the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	no } no	Mr. Jay,	no
<i>Massachusetts Bay,</i>		Morris,	no } div.
Mr. Adams,	ay	Floyd,	ay
Lovell,	ay } ay	Lewis,	ay
Holten,	no	<i>New Jersey,</i>	
<i>Rhode Island,</i>		Mr. Fell,	no } *
Mr. Ellery,	ay } div.	<i>Pennsylvania,</i>	
Collins,	no	Mr. Armstrong,	
<i>Connecticut,</i>		Searle,	no
Mr. Root,	ay } ay	Muhlenberg,	ay } div.
Spencer,	ay	M'Lene,	no
<i>Delaware,</i>		<i>Georgia,</i>	
Mr. Vandyke,		Mr. Langworthy,	ay } ay

<i>Maryland,</i>			<i>North Carolina,</i>	
Mr. Plater,	no		Mr. Penn,	no
Paca,	no	no	Hill,	no
Henry,	no		Burke,	no
<i>Virginia,</i>			<i>South Carolina,</i>	
Mr. T. Adams,	ay		Mr. Laurens,	ay
F. L. Lee,	ay		Drayton,	div.
Smith,	no	ay	<i>Georgia,</i>	
R. H. Lee,	ay		Mr. Langworthy,	no
Griffin,	no			
Nelson,	ay			

So the states were equally divided and the question lost.

On the second resolution proposed, a motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Penn, to strike out the word "cash;" and on the question shall the word "cash" stand; the yeas and nays being required by Mr. [Meriwether] Smith,

<i>New Hampshire,</i>			<i>Delaware,</i>	
Mr. Whipple,	ay	ay	Mr. Vandyke,	ay
<i>Massachusetts Bay,</i>			<i>Maryland,</i>	
Mr. S. Adams,	ay		Mr. Plater,	no
Lovell,	ay	ay	Paca,	no
Holten,	ay		Carmichael,	no
<i>Rhode Island,</i>			<i>Virginia,</i>	
Mr. Ellery,	ay	ay	Mr. T. Adams,	ay
<i>Connecticut,</i>			F. L. Lee,	ay
Mr. Root,	ay		Smith,	no
Spencer,	ay	ay	R. H. Lee,	ay
<i>New York,</i>			Griffin,	no
Mr. Jay,	no	div.	Nelson,	no
Floyd,	ay		<i>North Carolina.</i>	
<i>New Jersey,</i>			Mr. Penn,	no
Mr. Witherspoon,	ay	div.	Hill,	no
Fell,	no		Burke,	no
<i>Pennsylvania,</i>			<i>South Carolina,</i>	
Mr. Armstrong,	no		Mr. Laurens,	ay
Searle,	ay	ay	Drayton,	div.
M'Lene,	ay			

So it was resolved in the affirmative.

On the question to agree to the resolution as reported by the committee, the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	ay } ay	Mr. Vandyke,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	ay	Mr. Plater,	no
Lovell,	ay   ay	Paca,	no
Holten,	ay	Carmichael,	no
<i>Rhode Island,</i>		Henry,	no
Mr. Ellery,	ay } ay	<i>Virginia,</i>	
<i>Connecticut,</i>		Mr. T. Adams,	no
Mr. Root,	ay	F. L. Lee,	ay
Spencer,	ay	M. Smith,	no
<i>New York,</i>		R. H. Lee,	ay
Mr. Jay,	no	Griffin,	no
Floyd,	ay   div.	Nelson,	no
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Witherspoon,	ay	Mr. Penn,	no
Fell,	no   div.	Hill,	no
<i>Pennsylvania,</i>		Burke,	no
Mr. Armstrong,	no	<i>South Carolina,</i>	
Searle,	ay   ay	Mr. Laurens,	ay
M'Lene,	ay	Drayton,	div.

So it was resolved in the affirmative.

*Resolved,* That the farther consideration of the report be postponed.

Adjourned to 10 oClock to Morrow.

THURSDAY, APRIL 1, 1779

A letter, of 28 March, from General Washington, was read.

A letter, of 28 March, from Lieutenant Colonel Zedwitz, and a memorial from Major [Evan] Edwards, was read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

A letter, of 13 March, from the legislature of New York to their delegates, was laid before Congress and read; Whereupon, Congress came to the following resolution:<sup>2</sup>

Whereas the delegates of the State of New York have represented to Congress, that the legislature of that State taking into consideration the ravages committed by the Indians last fall, and the distresses occasioned thereby to a great number of families as well as the State at large; and that the said legislature considering the extreme difficulty and expence of covering an extensive frontier by posts against future incursions, have turned their attention to a western expedition against the Senecas, &c. as the cheapest and more eligible mode of securing the frontiers, and that they have empowered their governor to raise 1000 men by drafts from the militia for the defence of the frontiers:

*Resolved*, That Congress do approve of the spirited exertions of the said legislature, and the measures by them adopted to facilitate such enterprise: that the militia so to be raised shall be allowed continental pay and rations during their continuance in the said service; and that the Commander in Chief be immediately informed

<sup>1</sup>The Washington letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 207; that of Zedwitz, in No. 78, XXIV, folio 683; the Edwards memorial, dated March 29, in No. 41, III, folio 47.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 174.

of the said levy, and be directed to give orders for their pay and subsistence accordingly.<sup>1</sup>

The Board of War to whom was referred the letter from Lieutenant Colonel Bradford, &c. brought in a report: Whereupon,

AT A BOARD OF WAR, *March 19<sup>th</sup>, 1779.*

Present, Mr. Peters and Mr. Pickering.

It having been represented that the Officers employed in the Department of the Commissary of Musters are frequently Obliged in the execution of their Office to travel from post to post, and thereby incur very considerable expences; and when Stationary to reside in Quarters (for the purpose of preparing and securing their papers) which subjects them to a more expensive mode of living than that of battalion Officers, who lay in Camp and subsist upon their rations, and also, that tho' at the first establishment of the Department the pay was small and the rations proportionably few, yet Congress have since been pleased to raise the pay without an increase of rations, by which means a deputy Commissary General of Musters with the pay of Lieutenant Colonel is entitled to no more than captains subsistence, which is a deviation from the rule generally observed of preserving a proportion between the pay and subsistence money; and that the gentlemen of this Department are not entituled to many of the privileges of other Officers, and are precluded from many advantages enjoyed by Officers in the line from the generosity of their respective States.

The Board therefore beg leave to Report to Congress:

That the Deputy Commissaries General of Musters be entitled to draw from the 1<sup>st</sup> day of June 1778, the sum of forty dollars p<sup>r</sup> month subsistence money, in lieu of their retained rations; and the Deputy Muster Masters of the Army to draw from the same time the sum of twenty five dollars per month for the like purpose.

*Resolved*, That the resignation of Lieutenant Colonel W. Bradford, deputy commissary general of musters, be accepted:

That the resignation of Lieutenant Colonel Noarth, deputy commissary general of musters, be accepted.

<sup>1</sup>This motion, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, I, folio 355.

The Board of War recommend Henry Rutgers, Jun. Esq. to be elected deputy commissary general of musters, in the room of Lieutenant Colonel Bradford; and Azariah Horton, Esq. to be elected in the room of Lieutenant Colonel Noarth.<sup>1</sup>

The Board of War having reported the allowances or salaries which should be given to the cloathier general, &c.

WAR OFFICE, *March 30, 1779.*

Mr. Root has informed the Board, that Congress have directed them to report the salaries which should be given to the cloathier general, &c. on the new establishment. The value of our money is so uncertain, that it is difficult to say what would induce gentlemen suitably qualified to take upon them those offices. We believe, however, that nothing materially short of the following allowances will be sufficient; viz.

That the Clothier General have a salary of 10,000 dollars per annum, twelve rations per day, and forage for three horses.

That the State clothiers have each six dollars and six rations per day, and forage for two horses.

That the regimental clothiers have an allowance of fifteen dollars per month and one ration per day, in addition to their present appointments.

That each assistant to the cloathier general have six dollars and six rations per day, and each of his clerks three dollars and three rations per day.

The number of these assistants and clerks which the Clothier General shall judge requisite to enable him to perform the duties of his office to be by him reported to the Board of War, and by them to Congress.

That a clerk be allowed to each of the state clothiers, to whom, from the extent of their duty and number of troops they have to supply, the cloathier general shall think one necessary; besides, such additional temporary aid as the urgency of business may at times require; the standing clerks to have forty dollars per month and three rations per day.

That each regimental cloathier be allowed an assistant, to be chosen from among the subalterns in each regiment by the officers thereof;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, III, folio 127.

this assistant to receive such pay and rations as shall make his whole appointments equal to those of a captain.

That in addition to the above allowances, each clerk to the Clothier General and State Clothiers shall receive annually the same quantity of cloathing as shall be allowed to a captain in the line.<sup>1</sup>

A motion was made by Mr. [Henry] Laurens, and seconded by Mr. S[amuel] Adams, that the consideration thereof be postponed, on which the yeas and nays being required by Mr. President,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple, Frost,	ay } ay	Mr. Armstrong, Shippen,	ay }
<i>Massachusetts Bay,</i>		Searle,	ay }
Mr. S. Adams, Lovell, Holten,	ay } no } ay	Muhlenberg, McLene,	ay }
<i>Rhode Island,</i>		<i>Delaware,</i>	
Mr. Ellery,	no } no	Mr. Van Dyke,	ay } ay
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Dyer, Root, Spencer,	ay } no } ay	Mr. Plater, Henry,	ay } ay
<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay Floyd, Lewis,	no } ay } no	Mr. T. Adams, F. L. Lee,	no }
<i>New Jersey,</i>		Smith, R. H. Lee,	ay }
Mr. Witherspoon, Fell,	ay } ay	Nelson,	no }
		<i>North Carolina,</i>	
		Mr. Burke,	no } *
		<i>South Carolina,</i>	
		Mr. Laurens, Drayton,	ay } div.
			no }

So it was resolved in the affirmative.

*Ordered,* That the consideration of the report be taken up to morrow.

The Board of War to whom was referred the letter of Governor Trumbull respecting the Salisbury furnace,

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 157. See under April 5, 1779, p. 422, post.

reported specially the state of that furnace, being the result of a conference with Mr. Whiting: Whereupon,

WAR OFFICE, *March 30, 1779.*

The Board have conferred with Mr. Whiting, mentioned in Governor Trumbull's letter, on the subject of the Salisbury Iron works, and beg leave to report:

That there are about two hundred tons of Ore on the bank, and about five hundred cords of wood cut, of which article it will take four thousand cords for a six months blast. The season is now too far advanced for the cutting wood, not only on account of the hands being employed at agriculture, but also on account of the State of the timber, which renders it improper for coaling to any advantage. Four thousand cords are engaged to be cut and might be procured under the disadvantage of the present State of the timber, so as to get the furnace in blast about September next, if all things turn out agreeably to common expectations. Four hundred thousand dollars would at the present value of the money, be necessary to carry on a six months blast, in which one hundred hands must be employed. Two hundred and seventy tons of cannon can be cast in that time, consisting of either one hundred and fifty eighteen Pounders, or two hundred and seventy twelve Pounders. These guns may be had at about 1333½ d[ollars] or £400 lawful p<sup>r</sup> ton. The furnace with laying a new Hearth may be made fit for casting twelve Pounders, and with a new Tub would cast eighteens. These guns will not be fit for service until about March 1780.

If Congress should think proper to carry on the work it will be necessary to recommend the exemption of the workmen employed at the works from the several States bordering thereupon. It will take about 850 Ton of Ore, which will consume much time and cause great expence in procuring.

P. S. The Board think it their duty to inform Congress, that with every assistance they could afford the Andover works which are now carrying on under contract with the United States, the business goes on very tediously and heavily, by reason of the great difficulty in procuring hands, and other impediments which would be likely to happen in any other works under the present circumstances of the Country.<sup>1</sup>

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 153.

April, 1779

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*Resolved*, That Governor Trumbull be informed that Congress do not judge it proper to put the Salisbury furnace in blast at the continental expence.

The Board of War report, that Major la Neuville is a major by brevet, and that no pay or subsistence is allowed to officers in his situation; that the major is content to serve in his present rank in the southern army and to make the journey at his own expence; and that the Board are of opinion,

That Mons. Noirmont de la Neuville be permitted to repair to the southern army, to serve under the orders of Major General Lincoln, or the officer commanding there, in his present rank of major; and that he receive the pay and subsistence of a major during the ensuing campaign.<sup>1</sup>

*Resolved*, That Congress agree to the said report.

The commissioners of claims report,

	Dollars.
That they have examined the account of Michael Hahn and find that he has paid, and expended for Building Barracks at York town, four hundred thirty five and 26'90 dollars	485 36/90
That he has assumed to pay sundry accounts for Timber and sawing eleven hundred twenty three and 11/90 dollars	1123 11/90
That he charges Expenses for four months Collecting materials horse hire &c. one hundred and twenty dollars	120
Making in the whole	<hr/> 1678 47/90

That he has received from the Board of War five hundred sixty six and 60/90 dollars together with an error of eight dollars over extended amounting to five hundred seventy four 60/90 dollars

574 60/90

<sup>1</sup>This report, dated March 10, is in the *Papers of the Continental Congress*, No. 147, III, folio 121. The report also stated: "His furlough from the King of France not being expired, he begs to be employed until the expiration thereof."

That they have examined the accounts of Michael Kahn, for timber materials and other expences of building barracks at York town, amounting to sixteen hundred and seventy eight dollars and 47/90, of which he has received from the Board of War, the sum of five hundred and seventy four dollars and 60/90ths, and that there is a ballance of 1103 77/90 dollars, due to the said Michael Kahn, to be paid to Captain Smyser.

That there is due to Captain Smyser, his account of pay and rations while in captivity, from the 16th November, 1776, to the 26 of August, 1778, nine hundred and sixty three dollars and 81/90ths.

That there is due to Thomas Edison, his pay as clerk in the Secretary's office, from the 1 January to the 31 March, 1779, inclusive, three hundred and thirty five dollars and 30/90ths.

That there is due to George Bond, his pay as clerk in the Secretary's office, from the 1 January to the 31 March, 1779, inclusive, three hundred and thirty five dollars and 30/90 dollars.

That there is due to William Lyons, his account for sawing, carrying and piling wood for the use of Congress, thirty five dollars.<sup>1</sup>

*Ordered*, That the said accounts be paid.

The Committee on the Treasury brought in a report:  
Whereupon,

*Resolved*, That 5,000,160 dollars in bills of credit of the United States be emitted under the direction of the Board of Treasury and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 19th of February last, and be numbered from the last number

<sup>1</sup>This report, dated March 31, is in the *Papers of the Continental Congress*, No. 136, III, folio 197.

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in each denomination progressively, and consist of the following denominations:

22,728 bills of 60 dollars,	1,363,680	22,728 bills of 8 dollars,	181,824
22,728 do. 50	1,136,400	22,728 do. 7	159,096
22,728 do. 40	909,120	22,728 do. 5	113,640
22,728 do. 30	681,840		
22,728 do. 20	454,560		5,000,160 <sup>1</sup>

On motion by Mr. [Eliphilet] Dyer, and seconded by Mr. [Thomas] Nelson,

*Resolved*, That the Board of Treasury allow Mr. Whiting his reasonable expences on his journey to Congress, to know their pleasure with respect to their improving the Salisbury furnace for the purpose of casting cannon.

Mr. [William] Paca, chairman of the committee appointed to confer with the joint committee of the general assembly and council of Pennsylvania, related verbally, the substance of a speech made yesterday by the president of Pennsylvania in the committee of conference, and desired farther instructions.

On which a motion was made by Mr. [Elbridge] Gerry, and seconded by Mr. S[amuel] Adams. After debate,

That the Committee appointed to confer with a Committee of the State of Pennsylvania be authorized to call on any Members of this House, and the Secretary, for any publick papers or other Information relative to the Subject of the Conference.<sup>2</sup>

Adjourned to 10 oClock to Morrow.

FRIDAY, APRIL 2, 1779

Previous to the reading of the journal,

Mr. [Gouverneur] Morris moved, that as this day is Good Friday, the House adjourn until to morrow, agreeable to

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, 209.

<sup>2</sup>This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 38, I, folio 17.

the former practice in the years 1776 and 1777. On which the yeas and nays being required by Mr. [Henry] Laurens,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple, Frost,	ay } ay	Mr. Van Dyke,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams, Lovell, Holten,	ay } no ay }	Mr. Pace, Henry,	ay } ay
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery, Collins,	ay } ay	Mr. T. Adams, Smith, R. H. Lee, Nelson,	no } ay no } div.
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Root, Spencer,	ay } ay	Mr. Penn, Burke,	ay } ay
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Jay, Morris, Floyd,	ay } ay no }	Mr. Laurens, Drayton,	no } ay no } div.
<i>New Jersey,</i>		<i>Georgia,</i>	
Mr. Witherspoon,	no } *	Mr. Langworthy,	no } no
<i>Pennsylvania,</i>			
Mr. Armstrong, Searle, Muhlenberg, McLane,	no no ay no }		

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

SATURDAY, APRIL 3, 1779

A letter, of 31 March, from Mr. J. Beatty, commissary general of prisoners, was read, respecting the exchange of Lieutenant Hele:

*Ordered,* That it be referred to the committee on a former letter respecting the same subject.

A letter, of 18 February, from Captain James Willing, was read:

*Ordered*, That it be referred to the Marine Committee.

A letter, of 16 January, from Major General Schuyler, was read, accompanied with sundry papers, respecting Captain Sumner:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of 2, from S. Deane, was read.

On motion by Mr. [John] Penn and seconded by Mr. [John] Fell,

*Resolved unanimously*, That Congress will take into consideration the report of the Committee on Foreign Affairs, &c. on Tuesday next.

The Board of War, to whom was referred an extract of a letter from Major General Schuyler to Mr. [James] Duane, respecting commissions for the chiefs of the Oneidas and Tuscaroras, brought in a report which was taken into consideration: Whereupon,

*Resolved*, That 12 blank commissions be transmitted to the commissioners of Indian affairs for the northern department; and that they, or any two of them, be empowered to fill them up with the names of faithful chiefs of the Oneidas and Tuscaroras, giving them such ranks as the said commissioners shall judge they merit; the names and ranks to be by the commissioners reported to the Board of War.<sup>2</sup>

WAR OFFICE, 2<sup>nd</sup> April, 1779.

The Board have been witnesses of the great diligence and attention of Colonel Fleury, Captains Walker, L'Enfant and Duponceaux, during the Baron Steuben's having been employed in forming the regulations of his Department. Notwithstanding the Baron's superior

<sup>1</sup> Beatty's letter is in the *Papers of the Continental Congress*, No. 78, III, folio 305; that of Schnyler is in No. 153, III, folio 402.

<sup>2</sup> This report, dated April 2 (present, Peters and Pickering), is in the *Papers of the Continental Congress*, No. 147, III, folio 173. The extract of Schuyler's letter is on folio 175.

knowledge of the subject, there were subordinate assistances necessary, which were with great attention and labour afforded him by these gentlemen in the several branches assigned them. We have the honor to enclose the Baron's letter on that subject,<sup>1</sup> and beg leave to report:

Colonel Fleury, Captains Walker, L'Enfant and Duponceaux, having resided at Philadelphia for several months past and assisted Baron Steuben in forming the regulations for the order and discipline of the troops of these States, which has subjected them to many extraordinary expences, in consideration thereof,

*Resolved*, That the following sums be allowed those gentlemen.

To Col Fleury	Dollars
" Capt <sup>a</sup> Walker	Dollars
" Capt <sup>a</sup> L'Enfant	Dollars
" Capt <sup>a</sup> Duponceaux	Dollars

The Board of War report, that the committee appointed at York town to confer with Baron Steuben, having promised to report that Mons. l'Enfant should have the commission of captain of engineers, and no report having been made on that subject, the Board are of opinion,

That Mons. l'Enfant be appointed a captain in the corps of engineers in the service of the United States, to have rank from the 18th day of February, An. Dom. 1778.<sup>2</sup>

*Resolved*, That Congress agree to the said report.

*Resolved*, That the remainder of the report be postponed.

A letter, of this day, from T. Paine, was read:<sup>3</sup>

*Ordered*, To lie on the table.

The committee appointed to confer with the joint committee of the general assembly and council of Pennsylvania, reported, that they have had a further conference,

<sup>1</sup>This letter, dated March 30, is in the *Papers of the Continental Congress*, No. 147, III, folio 165.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 159.

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 55, folio 47.

and that they, with the said joint committee, have agreed to two sets of resolutions, the one to be reported to Congress, and the other to the general assembly and council of Pennsylvania, by the committees of those several bodies respectively:

The resolutions laid before Congress for consideration are as follow:

*Resolved*, That unanimity and harmony between the representatives of the United States in Congress assembled and each State individually, has been, under God, the happy means of our past success, and the only sure foundation whereon to rest our future hopes of terminating the contest with Great Britain with honor and advantage.<sup>1</sup>

*Resolved*, That Congress is highly sensible of the importance and services of the State of Pennsylvania in the present contest, and regard with sincere concern and regret every event which may tend to lessen the mutual confidence and affection which has hitherto subsisted.

*Resolved*, That it is the full intention of Congress on all occasions, to manifest the same just and equal attention to the said State and authority of Pennsylvania as to any other State in the union.

*Resolved*, That any disrespectful and indecent behaviour of any officers of any rank, under the appointment of Congress, to the civil authority of any State in the union, will be discountenanced and discouraged; and that a contrary behaviour will be considered as one of the surest means to recommend any officer to the favor and notice of Congress.

<sup>1</sup> Thomson entered upon the Journals the resolutions to be laid before the general assembly and council of Pennsylvania, but struck them out. The resolutions contained this first paragraph, word for word, and the following additional paragraph:

"*Resolved*, that this house entertain the most proper sentiments of veneration and esteem for the honorable the Continental Congress, reposing a perfect confidence in the wisdom and integrity of that honorable body, which it is the intention of this house to manifest on all occasions."

*Resolved*, That the complaints against General Arnold be transmitted to his excellency the Commander in Chief, in order for trial; and that the same be duly notified to the executive council; and that they be requested to furnish the Commander in Chief with the evidence thereupon in their possession; and that all farther proceedings elsewhere cease, save the collecting and transmitting any further evidence thereupon to the Commander in Chief.<sup>1</sup>

Congress took into consideration the resolutions submitted to them:

On the question to agree to the first resolution, resolved in the affirmative.

On the question to agree to the second resolution, resolved in the affirmative.

On the question to agree to the third resolution, resolved in the affirmative.

On the question to agree to the fourth resolution, resolved in the affirmative.

The fifth resolution being read,

A motion was made by Mr. [John] Penn, and seconded by Mr. [Thomas] Burke,

That the consideration of the fifth resolution be postponed till Congress consider the report of the committee, on the letter of 25 January, from the president of the supreme executive council of Pennsylvania, and the letters of 8 and 12 February from Major General Arnold.

On which the yeas and nays being required by Mr. R[ichard] H[enry] Lee,

<sup>1</sup>These resolutions, in the writing of Timothy Matlack, with a preamble in the writing of William Paca, are in the *Papers of the Continental Congress*, No. 20, II, folios 71, 75.

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple, Frost,	no } no	Mr. Vandyke,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams, Lovell, Holten,	no } no	Mr. Plater, Paca, Carmichael, Henry,	no } no
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery, Collins,	ay } ay	Mr. T. Adams, F. L. Lee, Smith, R. H. Lee, Griffin, Nelson,	no } no
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Dyer, Root, Spencer,	no } no	Mr. Penn, Hill, Burke,	ay } ay
<i>New York,</i>		<i>South Carolina,</i>	
Mr. Jay, Duane, Floyd, Lewis,	ay } no	Mr. Laurens, Drayton,	no } ay
<i>New Jersey,</i>		<i>Georgia,</i>	
Mr. Witherspoon, Fell,	no } no	Mr. Langworthy,	ay } ay
<i>Pennsylvania,</i>			
Mr. J. Armstrong, Shippen, Muhlenberg, M'Lene,	no } no		

So it passed in the negative.

A motion was then made by Mr. [William] Paca, and seconded by Mr. S[amuel] Adams, in lieu of the first part as far as "possession," inclusive, to substitute as follows:

*Resolved*, That his Excellency Joseph Reed's letter to Congress of the 25 January, 1779, and General Arnold's letters of the 8th and 12 of February, and the resolves therein contained of the executive council of Pennsylvania, be, with the evidence which hath been collected and reported by the committee on those letters, transmitted

to the Commander in Chief; and that he be directed to appoint a court martial on the 1st, 2d, 3d, and 5th articles contained in the said resolves of the said executive council, the said articles only being cognizable by a court martial; and that the reference be notified to the supreme executive council, and they be requested to furnish the evidence to the court martial."<sup>1</sup>

A motion was made by Mr. [William] Ellery, and seconded by Mr. [Thomas] Burke, to amend the substitute proposed so as to read, "to appoint a court martial on such articles contained in the said resolves of the said executive council, as Congress shall judge to be cognizable by a court martial."<sup>2</sup>

On which the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>		<i>New Jersey,</i>	
Mr. Whipple, Frost,	no } no	Mr. Witherspoon, Fell,	no } no
<i>Massachusetts Bay,</i>		<i>Pennsylvania,</i>	
Mr. S. Adams, Gerry, Lovell, Holten,	no } no } no ay } no }	Mr. Armstrong, Shippen, Muhlenberg, M'Lene,	no } no } no no } no }
<i>Rhode Island,</i>		<i>Delaware,</i>	
Mr. Ellery, Collins,	ay } ay	Mr. Vandyke,	no } no
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Dyer, Root, Spencer,	no } no } no no }	Mr. Plater, Paca, Carmichael, Henry,	no } no } no ay } no }
<i>New York,</i>			
Mr. Jay, Duane, Lewis,	ay } no } no no }		

<sup>1</sup> This motion, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 20, II, folio 65.

<sup>2</sup> This amendment, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 20, II, folio 67.

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<i>Virginia,</i>		<i>North Carolina,</i>	
Mr. T. Adams,	no	Mr. Penn,	ay
F. L. Lee,	no	Hill,	no
M. Smith,	no	Burke,	ay
R. H. Lee,	no		
Griffin,	no	<i>South Carolina,</i>	
Nelson,	no	Mr. Laurens,	no
		Drayton,	ay
			div.
		<i>Georgia,</i>	
		Mr. Langworthy,	ay { ay

So it passed in the negative.

On the question to agree to the substitute, resolved in the affirmative.

A motion was then made by to strike out the words, "and that all proceedings," &c. to the end; and on the question, shall those words stand, passed in the negative.

On the question to agree to the resolution as amended: resolved in the affirmative.

M<sup>r</sup> Burke, having in debate declared that the supreme executive Council of Pennsylvania had acted in a waspish, peevish and childish manner, was called to order and it was thereupon moved that the sense of the House should be taken whether the said declaration was consistent with order.<sup>1</sup>

And the President being of opinion that M<sup>r</sup> Burk was in order, an appeal was made to the House.

WAR OFFICE, April 1, 1779.

The Board have considered the case of Mon<sup>o</sup> Galvan, referred to them by Congress, and beg leave to inform,

That Mr. Galvan is a Captain in a regiment in the service of his Most Christian Majesty serving in the West Indies. His Commission is dated the 12<sup>th</sup> June, 1778, and signed by Mon<sup>o</sup> De Sartine, Minister of Marine.

That he (M<sup>r</sup> Galvan) has served in a regiment raised in the State of South Carolina on Continental establishment in quality of 2<sup>nd</sup> Lieutenant, but left the same on being sent by the government of that State to France on the errand of obtaining supplies.

<sup>1</sup>This motion, in the writing of Elbridge Gerry and moved by him, is in the *Papers of the Continental Congress*, No. 38, I, folio 17a. The date in the endorsement is illegible. The subsequent three lines are in the writing of John Jay.

That Mons<sup>r</sup> Galvan is in the opinion of the Board a man of capacity, and well qualified to act in the character of a Sub Inspector: But as these Officers must be taken from the line and be of the rank of Lieutenant Colonels, and of whom there are a sufficient number, it seems impracticable to introduce him in that Station in this Quarter.

If the Battalions of Negroes are raised, there appears to be a necessity for a person of Mon<sup>r</sup> Galvan's abilities to act as inspector to these troops particularly, but subordinate to the Sub Inspector of the Department for the sake of uniformity in the discipline and service. But as the raising these corps depends upon contingencies, the Board cannot find a report with certainty on the subject, but have submitted to Congress the following resolution:

That the memorial of Mon<sup>r</sup> Galvan be transmitted to the Governor and Council of the State of South Carolina, who are hereby authorized to appoint, if they shall think proper, M<sup>r</sup> Galvan to the Office of Sub Inspector to the Battalion of Negroes proposed to be raised in the Southern States, if that event should take place. If such appointment shall be made, Mon<sup>r</sup> Galvan to have the ~~brevet rank of Lieutenant Colonel in the army of the United States~~ such rank as the Governor and Council of South Carolina shall think most expedient for the service, and be subject to the orders of the Inspector General and the Sub Inspector of the Southern Army.

Frost,	no	McLene,	no
Lovell,	no	Van Dyke,	no
Holten,	no	Plater,	no
Ellery,	no	Paca,	no
Collins,	no	Henry,	no
Dyer,	no	T. Adams,	no
Spencer,	no	F. L. Lee,	no
Jay,	no	Smith,	no
Floyd,	no	Rd. H. Lee,	no
Lewis,	no	Nelson,	no
Witherspoon,	ay	Penn,	no
Fell,	no	Hill,	no
Armstrong,	no	Burke,	no
Shippen,	no	Drayton,	no
Searle,	no	Langworthy,	no <sup>1</sup>
Muhlenburg,	no		

Adjourned to 10 oClock on Monday.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, III, folio 169, and is endorsed "Disagreed to, April 3, 1779." No mention of it is found in the Journals. The vote was endorsed on the report by Charles Thomson.

MONDAY, APRIL 5, 1779

A letter, of 4, from F. Wade, deputy quarter master general, was read, giving information of a vessel in the river Delaware at the mouth of Christiana creek, suspected to have provisions on board:

*Ordered*, That it be referred to the Marine Committee, and that they take order thereon.

A letter, of 28 March, from General Count Pulaski, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 31 March, and petition from John Lyon, were read:

*Ordered*, That they be referred to the Marine Committee.

A petition of William Moores, Timothy Ingraham, Joshua Hill, Joseph Davis, Aaron Andrews, and others, owners of the schooner *Joram*, was read, accompanied with sundry depositions:

*Ordered*, That the same be referred to the Committee on Appeals.

A letter, of 16 January, from M. Weare, president of New Hampshire, was read.

A letter, of 28 March, from Lieutenant Colonel Z. Butler, at Wyoming, directed to the Board of War, was laid before Congress and read:

*Ordered*, That it be referred to the Board of War.

A letter, of 29 March, and one of 2 April, from General Washington, and a letter of 15 March from Major General Gates, with a letter from Major Lithgow, and other papers enclosed, were read:<sup>2</sup>

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 164, folio 98.

<sup>2</sup>Weare's letter is in the *Papers of the Continental Congress*, No. 64, folio 74; that of Butler, in No. 78, III, folio 301; those of Washington, in No. 152, VII, folios 211, 219; and that of Gates, in No. 154, II, folio 63.

*Ordered*, That the same be referred to the Board of War.

On motion by Mr. [Francis] Lightfoot Lee, and seconded by Mr. [Eliphalet] Dyer,

*Resolved*, That Baron Steuben, inspector general, be informed by the President, that Congress entertain a high sense of his merit, displayed in a variety of instances, but especially in the system of military order and discipline formed and presented by him to Congress.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Major General Greene, quarter master general, on his application, for five millions dollars, for the use of his department; for which he is to be accountable.<sup>1</sup>

That a warrant issue on the treasurer in favour of John Nicholson, clerk to the commissioners of accounts and Board of Treasury, for thirteen hundred and seven dollars, as the reward of his services from the 28 October to the 20th March, 1779.

That a warrant issue on the treasurer, in favour of William Whiting, for four hundred and fifty five dollars and 30/90ths, in full for his expences from Connecticut to Congress to know their pleasure with respect to the improving the Salisbury furnace for the purpose of casting cannon.<sup>2</sup>

TREASURY OFFICE April 1<sup>st</sup>. 1779

The Committee on the Treasury beg leave to report the following resolutions,

*Resolved*, that a warrant issue on the Treasurer in favour of Cyrus Griffin Esq<sup>r</sup> a Delegate from the State of Virginia for three thousand dollars, on his application, the said state to be accountable.

<sup>1</sup> This report, dated March 31, is in the *Papers of the Continental Congress*, No. 136, III, folio 207. It is in the writing of James Duane.

<sup>2</sup> This report, dated March 31, is in the *Papers of the Continental Congress*, No. 136, III, folio 219.

That a warrant issue on the treasurer, in favour of the State of Massachusetts bay, for one hundred and fifty thousand dollars; the said State to be accountable.

That a warrant issue on the treasurer, in favour of Messrs. S[amuel] Adams, [Samuel] Holten, and [Elbridge] Gerry, delegates of the State of Massachusetts bay, for seven thousand five hundred dollars, advanced on their application, for which the said State is to be accountable.

*Resolved*, That the Treasurer of Loans, agreeable to his propositions to the Board of Treasury, be allowed one penny on every hundred dollars which he may receive, in order to be destroyed, in full compensation "of all charges for a Clerk, or Clerks, office rent, fire wood, stationery" and other contingent expences.<sup>1</sup>

The commissioners of claims report,

That there is due to William Hurrie, his account of pay as door keeper to Congress, and for sundries furnished for them from the 1 January to the 31 March, 1779, three hundred and forty four dollars.

That there is due to William Ramsey, his account for pay as acting clerk to the board of claims, from the 21 December, 1778, to the 8th of February, 1779, inclusive, one hundred sixty three dollars and 30/90ths, to be paid as per order to William Thorpe.

That there is due to Stiner & Cist for printing 1300 copies of "Observations on the American Revolution", as per agreement, two thousand nine hundred and eighty six dollars and 60/90ths.<sup>2</sup>

*Ordered*, That the said accounts be paid.

<sup>1</sup>This report, dated April 1, is in the *Papers of the Continental Congress*, No. 136, III, folio 211. On folio 213 is an amendment, partly in writing of John Jay, reducing the allowance to three farthings per hundred dollars.

<sup>2</sup>This report, dated April 3, is in the *Papers of the Continental Congress*, No. 136, III, folio 217.

Congress resumed the consideration of the report of the Board of War on the salaries of officers in the cloathing department; Whereupon,

*Resolved*, That until the further order of Congress the cloathier general have a salary of 5000 dollars per annum.

Whereas, the duties of the sub or state cloathiers who are to be appointed according to the late regulations of the cloathier's department, will be very unequal, the quota of battalions of the several states differing:

*Resolved*, That each State determine and pay the salary proper for its cloathier, and that each state cloathier shall be allowed two rations and forage for one horse per day during the time he is in actual service with the army, and going to and returning from the same:

That the regimental cloathiers have an allowance of thirty dollars per month in addition to their present appointment:

That the cloathier general be authorized to employ one clerk, who shall receive the same allowance as the clerks of the auditors of the army.

Congress resumed the consideration of the report of the committee, on the letter of 8 October, from Governor Trumbull and the memorial of William Hoskins; Whereupon,

*Resolved*, That the administrator of the estate of Joseph Trumbull, late commissary general, be directed, as soon as may be, to exhibit for final settlement before the treasury the cash accounts of the said late commissary general.

Adjourned to 10 oClock to Morrow.

TUESDAY, APRIL 6, 1779

A motion was made by Mr. [Henry] Laurens, seconded by Mr. [George] Frost,

That an advertisement be published in the several newspapers printed in this city, informing the public that a proper person is wanted to take upon him the office of cloathier general for the army, that persons who are desirous of engaging in the duties of that office give information thereof in writing, directed to the Secretary, to be laid before Congress on the 20th instant.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [Samuel] Holten, to amend by adding,

"None need apply but such as can produce good recommendations."

On which amendment, the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple, Frost,	no } no	Mr. Armstrong, Shippen,	no }
<i>Massachusetts Bay,</i>		Atlee,	no }
Mr. S. Adams, Holten,	no } *	Muhlenberg,	no }
<i>Connecticut,</i>		McLene,	no }
Mr. Dyer, Root, Spencer,	no } no	<i>Delanoare,</i>	
<i>New York,</i>		Mr. Van Dyke,	ay } ay
Mr. Jay, Morris, Floyd,	no } ay } no	<i>Maryland,</i>	
<i>New Jersey,</i>		Mr. Plater,	ay }
Mr. Witherspoon,	no } *	Paca,	no }
		Carmichael,	no }
		Henry,	no }

<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams,	no	Mr. Laurens,	
Smith,	no	Drayton,	no } div.
R. H. Lee,	no		ay }
Nelson,	ay	<i>Georgia,</i>	
		Mr. Langworthy,	no } no
<i>North Carolina,</i>			
Mr. Penn,	ay		
Burke,	ay		

So it passed in the negative.

On the question to agree to the original motion, the yeas and nays being required by Mr. [Henry] Laurens,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Frost,	ay } ay	Mr. Van Dyke,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	ay } *	Mr. Plater,	no
Holten,	ay }	Paca,	no }
<i>Connecticut,</i>		Carmichael,	no }
Mr. Dyer,	ay	Henry,	ay
Root,	no } ay	<i>Virginia,</i>	
Spencer,	ay	Mr. T. Adams,	no
<i>New York,</i>		Smith,	no }
Mr. Jay,	no } no	R. H. Lee,	ay }
Morris,	no }	Nelson,	no }
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Witherspoon,	no } *	Mr. Penn,	no }
<i>Pennsylvania,</i>		Burke,	no }
Mr. Armstrong,	no	<i>South Carolina,</i>	
Shippen,	ay	Mr. Laurens,	ay }
Atlee,	no } ay	Drayton,	no }
Muhlenberg,	ay	<i>Georgia,</i>	
McLane,	ay	Mr. Langworthy,	no } no

So it passed in the negative.

A letter, of 5, from Christopher Hele, was read:

*Ordered*, That it be referred to the committee on the letters from Admiral Gambier.

A petition from Gideon Olmstead and Artemas White, in behalf of the claimants of the sloop *Active*, was read:

*Ordered*, That it be referred to the committee appointed to confer with the joint committee of the general assembly and council of Pennsylvania, and that they be directed to report thereon.

A petition from George Pierce was read:

*Ordered*, To lie on the table.

A memorial from John Connolly was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War, and that they take order thereon.

Congress proceeded to the election of deputy commissaries general of musters in the room of Messrs. Bradford and Noarth, resigned; and, the ballots being taken, Mr. Henry Rutgers, jun. and Mr. Azariah Horton were elected.

The Board of War, to whom was referred the memorial of Lieutenant William Macpherson, report,

"That being apprehensive the bringing Mr. Macpherson into the line would cause much disquietude among the officers, and be detrimental to the service, they consulted the Commander in Chief, who coincided with them in sentiment as to the impropriety of it; but that as by the captivity of Colonel Ward, the commissary general of musters, his duty will devolve on Colonel Varick, the next senior officer in the department, and consequently a post of deputy commissary general of musters will be vacant till the release of the commissary general of musters; and as the Commander in Chief has expressed his opinion that no bad consequences will arise from the nomination of Mr. W. Macpherson to that post: they therefore nominate the said William Macpherson to be elected a deputy commissary general of musters in the service of the United States."<sup>2</sup>

<sup>1</sup> The petition of Pierce is in the *Papers of the Continental Congress*, No. 42, VI, folio 204; the Connolly memorial in No. 41, II, folio 69.

<sup>2</sup> This report, dated April 8, is in the *Papers of the Continental Congress*, No. 147, III, folio 177. With it is a letter of Washington to the Board of War, dated March 29, 1779.

*Ordered,* That the consideration thereof be postponed.  
Mr. Henry Wynkoop, a delegate from Pennsylvania, attended, and took his seat in Congress.

Congress, according to order, took into consideration the report of the committee of thirteen on foreign affairs, &c. and ~~the same being read~~, after some debate thereon, Adjourned to 10 oClock to Morrow.

WEDNESDAY, APRIL 7, 1779

Congress resumed the consideration of the petition of G. Pierce, representing, that on first March, 1778, he lent to Mr. Matthew Boyd, commissioner of cloathing for Chester county, one thousand pounds without interest, to assist him in his department, which remained in his hands till within three weeks of the time when the emission of April 11, 1778, was called out of circulation: that at that time he was re-paid in bills of that emission: and praying, as he is in want of money by reason of losses occasioned by the enemy, that the said money may be exchanged for good bills in circulation:

*Resolved,* That the prayer of the petition be granted.

A memorial from the undertakers of the continental manufactory of arms was read,<sup>1</sup> representing that the success of their undertaking depends on the presence, care and superintendence of Mr. Windel, one of the co-partners; and that Mr. Windel having long been a captain of artillery, and for fifteen years past first director of the royal manufactory of Charleville, and being much esteemed in his own country and a man of fortune, declines to leave his country and come to this unless he is invited by the honorable Congress, and have a promise

<sup>1</sup> This memorial, without signatures, is in the *Papers of the Continental Congress*, No. 41, X, folio 293.

of a rank superior to that he now enjoys, but without any pretensions to service or pay; and therefore praying such invitation and promise may be given agreeably to what they were encouraged to expect when they entered into the contract with the Board of War; Whereupon,

~~Resolved, That the resolution of the 2d. February, and a report from the Board of War on this subject, be reconsidered.~~

*Resolved*, That the prayer of the memorial be granted.

A letter, of this day, from B. P. Smith, was read.

*Ordered*, That it be referred to the Board of Treasury.

A memorial and petition from Tim. Taylor and John Thomson, was read:

*Ordered*, That it be referred to the committee on the letter from J. Hart.

*Resolved*, That a member be added to the said committee.

The member chosen, Mr. [Samuel] Atlee.

The Board of War, to whom was referred the memorial of Captain Sumner, report, "that it appears that the service of the armed vessels on Lake Champlain, in 1776, was disagreeable, and that officers reluctantly quitted the line to take command of them: that as an inducement to officers possessing the requisite talents to engage in that service, General Schuyler offered to lieutenants the commission of captains, and gave them hopes of a permanent provision in the navy; that influenced by these motives and a regard to the public good, Captain Sumner, among others, quitted his station in the line and took the command of one of the armed vessels abovementioned: that it further appears that by virtue of General Schuyler's orders, General Arnold, on the 1st day of July, 1776, appointed Mr. Sumner captain to the said command, in which capacity he in several actions behaved with great spirit and good conduct; and that in the opinion of the

Board Captain Sumner's resignation of his lieutenancy in the line to take the above command, should not prejudice his claim to rank on account of prior services;'"<sup>1</sup> Whereupon,

*Resolved*, That Captain Job Sumner, of Colonel Greanton's regiment, have a commission of captain in the army of the United States, to rank as such from the first day of July, 1776.

The committee, to whom was referred the memorial of Alexander McNutt and others, agents for several townships in Nova Scotia, brought in a report; Whereupon,

The Committee to whom was referred the memorial of Alexander McNutt and others, Agents for several Townships in Nova Scotia, beg leave to report,

That in their opinion it is greatly interesting to the United States of America that Nova Scotia should not remain subjected to the Government of Great Britain, to be used as an instrument to check their growth or molest their tranquillity. That the people in general of that Province have been thoroughly well disposed towards the United States from the beginning of the present war. That they made early application to Congress for direction how they might be serviceable to the Continental cause, offering to raise 3000 men in 10 days. That they have since repeatedly applied for countenance and aid to enable them to assert their Independence. That they have as often received friendly assurances from Congress, tho' circumstances prevented any vigorous efforts in their favor. That they begin now to apprehend the United States will rest satisfied with their own Independence and leave Nova Scotia under British Despotism.

That the Memorialists were sent forward by the people to obtain if possible from Congress some assurance to the contrary, hoping they may not be reduced to seek for ammunition and a guarantee of their freedom in France or Holland. That it would tend greatly to animate the well disposed in Nova Scotia and to secure the Indians to the United States, as well as to promote desertion from the enemy and facilitate supplies of live stock to the Eastern parts of the Union, if a road was opened through the Country from Penobscot to St. Johns

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, III, folio 185.

*April, 1779*

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River. That for such a work a body of faithful men strongly interested to accomplish it might be found among those who have been driven by the hand of oppression from Nova Scotia. Your Committee therefore propose the following Resolutions:

*Resolved*, That Lieutenant Colonel Phineas Nevers and Captain Samuel Rogers be employed to lay out, mark and clear a road from Penobscot river to St. John's river in the most commodious line and in the most prudent manner.

That they be empowered to enlist for such service a body of men, not to exceed 1500.

That fifteen thousand dollars be advanced to them for carrying on the work, for the faithful expenditure of which they shall become bound to the United States in a bond to be given to the continental treasurer.<sup>1</sup>

A letter, of 6, from the hon<sup>ble</sup> Sr. Gérard, minister-plenipotentiary of France was read, inclosing a paper of intelligence:

*Ordered*, That the paper enclosed be referred to the Committee of Intelligence.

Congress resumed the consideration of the report of the Committee on Foreign Affairs, &c. and some time being spent thereon.

Adjourned to 10 oClock to Morrow.

**THURSDAY, APRIL 8, 1779**

A letter, of this day, from Jon. Trumbull, Jun., was read.<sup>2</sup>

A letter, of the 7, from the Board of War, was read; Whereupon,

<sup>1</sup>This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 25, I, folio 107.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 621.

*Resolved*, That the Board of War and Ordnance be authorized to appoint persons to purchase necessaries for the army, until the further orders of Congress.

*Resolved*, That two members of Congress be elected to attend at the Board of War in the room of Mr. F[rancis] L[ightfoot] Lee and Mr. [Jesse] Root:

The members chosen, Mr. [Joseph] Spencer and Mr. [Samuel] Atlee.

The following gentlemen were nominated to be elected commissioners of the Board of War: Major General Heath, by Mr. [William] Ellery, and Colonel Moylan by Mr. G[ouverneur] Morris.

A memorial from Alexander McNutt, in behalf of sundry persons therein named, inhabitants of Great Britain and Ireland, was read, praying "to be admitted to come with their families and effects under a safe conduct, and settle in America, under condition that should it appear upon their arrival that any of them have acted an unworthy part, or are of doubtful characters, then their property be forfeited and they treated according to their deserts."<sup>1</sup>

*Resolved*, That the prayer of the memorial be granted.

The committee, to whom was referred the letter of 10th March from the Board of War, brought in a report; Whereupon,

*Resolved*, That the Board of War be directed to send four pieces of heavy ordnance to the post at Billingsport, on the river Delaware, in addition to what are already there; also to order a detachment of 40 men under the command of a captain and other suitable officers from Colonel Proctor's battalion to garrison the said post; also

<sup>1</sup> This memorial, dated January 5, 1779, and endorsed as read January 11, is in the *Papers of the Continental Congress*, No. 41, VI, folio 99. The other names were Joseph McKnutt, Samuel and Anthony Henderson. A subsequent memorial, dated April 7, and read on this day, is on folio 125.

to send two pieces of heavy ordnance to Mud island fort and a detachment of 20 men under the command of suitable officers from the battalion aforesaid, to garrison the said fort.

*Ordered*, That the remainder of the report be re-committed.

The committee to whom was referred the letter of 12 February from Major General Lincoln, brought in a report; Whereupon,

*Resolved*, That until a cartel for a general exchange is established between the commanders in chief of the forces of the United States and Great Britain, in order to relieve as much as possible the difficulties pressing upon the prisoners taken during the operations of the forces under the command of General Lincoln, and the British forces who have invaded Georgia; the commanding officer of the southern army for the time being, be authorized to exchange the same to the extent of their relative numbers, on the terms proposed by Major Pinckney to Lieutenant Colonel Provost on the first day of February last, as far as the same will apply to the said prisoners:

That the said commanding officer for the time being, be authorized to dispense with the said terms where he shall judge that humanity or very pressing expediency may require it, and it shall not contravene general utility:

That effectual provision be made by a commissary of prisoners for supplying such of our people as remain unexchanged:

That a deputy commissary of prisoners be appointed for the southern army by the commanding officer thereof.<sup>1</sup>

The Marine Committee, to whom was referred the memorial of James Budden and others, brought in a

<sup>1</sup>This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 19, III, folio 559.

report, which was taken into consideration; and on motion by Mr. [Thomas] Burke, and seconded,

*Resolved*, That the Marine Committee be empowered and directed to sell the hulls of the frigates *Effingham* and *Washington*, as they now lie at the wharves.

Adjourned to 10 oClock to Morrow.

FRIDAY, APRIL 9, 1779

A memorial, of 29 March, and one without date, from Captain John Paul Schott, were read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

The Board of War having recommended the following gentlemen to be appointed 2d lieutenants in the regiment of artillery commanded by Colonel Harrison,

Robert Burton,	commission to be dated October 18th, 1778,
Robert Jouit,	do. January 1st, 1779,
Henry Vowles,	do. do.
John Moseley,	do. do.*

*Resolved*, That the said gentlemen be appointed, and commissions granted to them establishing their ranks from the times above specified.

The Board of War report, that Mons. de Bois having had the brevet rank of major in the American army since the 5 November, 1776, and received pay and rations agreeably thereto, without having been enabled to render any service to the states, is now desirous of returning to Europe if he can obtain a supply of money to prosecute his voyage; Whereupon,

*Resolved*, That 12 months' pay as major be advanced to Mons. de Bois, to defray the expences of his voyage to

<sup>1</sup> The first memorial is in the *Papers of the Continental Congress*, No. 41, IX, folio 70.

<sup>2</sup> This report, dated April 8, 1779, is in the *Papers of the Continental Congress*, No. 147, III, folio 195.

France; and that he be no longer considered as an officer in the service of the United States.<sup>1</sup>

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Alexander Fowler, Esq. auditor of the army, for five hundred dollars, in addition to a like sum advanced him on the 30th day of March last, he to be accountable.

That a warrant issue on the treasurer in favour of Mr. John Fell, a delegate from the State of New Jersey, for five hundred dollars, advanced on his application, the said State to be accountable.

That a warrant issue on the treasurer, in favour of Mr. J[oseph] Spencer, delegate from the State of Connecticut, on his application, for one thousand dollars, to be charged to the said State.<sup>2</sup>

*Resolved*,<sup>3</sup> That a warrant issue on the treasurer, in favour of the honorable supreme executive council of the State of Pennsylvania on the application of the legislature of the said State for two millions of dollars, for which the said State is to be accountable, with interest at six per cent per annum.<sup>4</sup>

The Committee on the Treasury, to whom was re-committed their report of the 19th December on the memorial of Captain John Sutton, having reconsidered the said

<sup>1</sup>This report, dated April 8, 1779 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 193. The report added: "Mr. De Bois proposed a year ago to take a years pay and go home. He now draws forage and rations, and therefore there will be a saving by complying with his request."

<sup>2</sup>This report, dated April 7, is in the *Papers of the Continental Congress*, No. 136, III, folio 225.

<sup>3</sup>From this point the entries are in the writing of George Bond, of the Secretary's office.

<sup>4</sup>This report, dated April 6, is in the *Papers of the Continental Congress*, No. 136, III, folio 223. The Committee reported first on this proposition April 8, but that report was recommitted.

memorial, and been attended by Captain Sutton with his proofs, report,

That the committee are fully satisfied of the truth of the said memorial, and that the money mentioned in the said memorial, viz. nine hundred and fifty six and 75/90 dollars, due to the commissary's department, being a balance in his hands for the time he acted in that department for the 1st Virginia regiment; and three thousand eight hundred and forty four and 11/90 dollars in his hands as pay master to the said regiment, was stolen from his tent without any negligence or default on his part: that on the contrary it appears that he used all the precaution in his power for its safe custody: that he took pains and offered to settle his accounts:

That he applied for a guard to watch at his tent, which was not granted: that he removed the money with him when he went abroad in the day into the tents of officers of the army who were his friends: that he entreated the deputy pay master general to suffer it to be lodged in the military chest, which was refused, because there was no room for it; and, lastly, that the proof of the theft is clear and satisfactory; Whereupon,

*Resolved*, That two certain sums of nine hundred and fifty six and 75/90 dollars, and three thousand eight hundred and forty four and 11/90 dollars, stolen from Captain John Sutton, pay master of the 1st Virginia regiment, be allowed and passed to his credit on the settlement of his public accounts.<sup>1</sup>

On motion by the committee appointed to superintend the publication of the journal:

*Resolved*, That David C. Claypoole, be appointed to print for Congress.

<sup>1</sup>This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 138, III, folio 227.

The committee, to whom was referred the petition of Gideon Olmstead and others, claimants of the sloop *Active*, brought in a report:

The Committee appointed to confer with the joint Committee of the General Assembly and Executive Council of Pennsylvania, on measures to carry into execution the Decree of the Court of Appeals, in the case of the Sloop *Active*, Report:

That your Committee have conferred with the said joint Committee, and are informed by the said joint Committee that they knew of no measures which the General Assembly could constitutionally adopt to carry the said Decree into Execution.

Your Committee beg leave to report the following Resolutions:

*Resolved*, That an order be drawn on the Continental Treasurer, in favour of the appellants in the above case, for a sum equal to the amount of sales of the said Sloop *Active* and Cargo, and the Costs decreed in the Court of Appeals.

*Resolved*, that the State of Pennsylvania be charged with the said order, saving nevertheless to the said State a Right to shew cause why the said State should not be chargeable therewith.<sup>1</sup>

*Ordered*, That the consideration thereof be postponed.

A letter, of the 6, from the commissioners of accounts, was read.<sup>2</sup>

Congress resumed the consideration of the report of the Committee on Foreign Affairs; and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

SATURDAY, APRIL 10, 1779,

A letter, of 25 March, from Major General R. Howe, was read.<sup>3</sup>

The Committee on the Treasury brought in a report; Whereupon,

<sup>1</sup>This report, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 20, II, folio 53. It is endorsed: "April 9. Postponed. April 18, postponed to Wednesday. April 24. Further postponed to 15 September next."

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 437.

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 160, folio 511.

*Ordered*, That a warrant issue on the treasurer, in favour of the delegates from the State of North Carolina, on their application, for twenty five thousand dollars, for the purpose of purchasing the extra articles allowed by the said State to their quota of officers and soldiers; the said State to be accountable.<sup>1</sup>

*Ordered*, That a warrant issue on the treasurer, in favour of Elias Boudinot, Esq. late commissary general of prisoners, for four thousand seven hundred and seventeen dollars and 14/90ths in specie; and another warrant for seven thousand nine hundred and ninety eight dollars and 32/90ths, continental currency; he to be accountable.

A report from the Board of War, was read: Whereupon,  
*Resolved*, That the proceedings of the court martial held at Fort Pitt, on Colonel Steel, deputy quarter master general, be returned to the Commander in Chief; and that he be informed that the intention of Congress, by their order of 20 February last, referring the said proceedings to him, was that he should finally determine thereon, or direct such farther proceedings as he should think necessary.

*Resolved*, That a committee of five be appointed to consider what farther measures are necessary to be taken for the defence of South Carolina and Georgia:

The members chosen, Mr. [John] Armstrong, Mr. [Thomas] Nelson, Mr. [Thomas] Burke, Mr. [William] Paca, and Mr. [Gouverneur] Morris.

A memorial from four companies raised in the State of Pennsylvania, now belonging to the German battalion, was read:

*Ordered*, That it be referred to the Board of War.

<sup>1</sup>This report, dated April 9, is in the *Papers of the Continental Congress*, No. 136, III, folio 229.

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Congress resumed the consideration of the report of the Committee on Foreign Affairs and some time being spent thereon,

Adjourned to 10 oClock to Morrow.

MONDAY, APRIL 12, 1779

A letter, of 29 March, from M. Weare, president of the State of New Hampshire, was read:<sup>1</sup>

*Ordered*, That it be referred to the committee on the letters from Admiral Gambier.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Belcher P. Smith, for eight hundred dollars, in full of his account as one of the clerks of the Secretary's office.

*Ordered*, That a warrant issue on the treasurer, in favour of Cornelius Comegys, for eight hundred dollars, as a compensation for his services as clerk to the commissioners of claims, from the 10th December, 1778, to 19 March, 1779, inclusive.

*Ordered*, That a warrant issue on the treasurer, in favour of William Young, steward to the President of Congress, for five thousand dollars, the said steward to be accountable.

*Ordered*, That a warrant issue on the treasurer, in favour of Frederick Bicking, for fifteen hundred dollars, to enable him to carry on the business of making paper for the continental bills of credit, he to be accountable.

*Ordered*, That a warrant issue on the treasurer, in favour of Colonel Richard Butler, for three thousand

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 64, folio 78.

five hundred and three dollars and 27/90, to discharge the following warrants drawn by General Washington on William Palfrey, paymaster general, who is to be charged with the said sum and to be furnished with a copy of this resolution.

Nº 2784 dated 1 April last for	189	dollars
2785 do 1 April do	178 41/90	do
2789 do do	3136 36/90	do
		3503 77/90
		dollars. <sup>1</sup>

The commissioners report,

That there is due to Colonel Lewis Nichola's regiment of invalids, their pay and subsistence, for the month of February, two thousand one hundred and fifty two dollars and 70/90.

That there is due to William Kinnan, his pay and board for copper plate printing, from the 1 September, 1778, to the 3d April, 1779, a ballance of three hundred and fifty five dollars and 73/90.

That there is due to the reverend Monsr. Lotbinier, as chaplain to Colonel Livingston's regiment, his pay and subsistence, from the 11 of March to the 10 instant, inclusive, sixty dollars.<sup>2</sup>

*Ordered*, That the said accounts be paid.

Congress proceeded to take into consideration the report of the committee appointed to confer with the Commander in Chief, recommending the full value of rations allowed to the officers of the army, to be paid them in lieu of the present subsistence money; after some time spent thereon, on motion of Mr. [Henry] Laurens, seconded by Mr. [William] Floyd,

<sup>1</sup>This report, dated April 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 231.

<sup>2</sup>This report, dated April 10, is in the *Papers of the Continental Congress*, No. 136, III, folio 237.

*Resolved*, That the farther consideration thereof be postponed.

The committee, to whom was referred the letter of 8 December last from the Board of War, respecting an allowance to be made to the commissary of military stores, &c. for travelling expences, brought in a report, which was read:

The Committee to whom was referred the letter of the Board of War of the 8<sup>th</sup> inst., respecting an allowance to be made to the Com<sup>y</sup> of Military Stores &c. for the travelling expences, having duly considered the same are of opinion, that the said Board are, from the Nature of their Office, much better acquainted with the duties and expences of the Commissary of Military Stores than your Committee, and therefore report, that the said letter should be referred to said Board, and that your Committee should be discharged. Otherwise, if this report should not meet the approbation of Congress, your Committee beg leave to report, that the several Commissaries of Stores and persons employed in the Department of Commissary General of Military Stores, whose duty requires that he should travel in the business of the Department, be allowed 4 dollars p<sup>r</sup> day for their travelling expences, whensoever they shall be necessarily obliged so to travel, until the further order of Congress.<sup>1</sup>

*Ordered*, That the consideration thereof be postponed.

A petition of Adam Geyer was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury.

The Marine Committee, to whom was referred an extract of a letter, of February 2, 1779, from W. Bingham, relative to a capture made by the privateer *Pilgrim*, Captain Hugh Hill, brought in a report: After debate,

*Ordered*, That it be re-committed.

An extract from the minutes of the general assembly of the State of Pennsylvania was read, approving the report of the joint committee of the said general assem-

<sup>1</sup>This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 27, folio 89.

<sup>2</sup>This petition, dated April 10, is in the *Papers of the Continental Congress*, No. 42, III, folio 212.

bly and supreme executive council of that State, appointed to confer with a committee of Congress.<sup>1</sup>

Congress resumed the consideration of the letters of 22 January and 2 April, 1779, relative to an allowance to be made to Baron Steuben, for his expences, and to Lieutenant Colonel Fleury and others for extra services in assisting the Baron in forming the regulations for the order and discipline of the army; after debate,

On motion of Mr. G[ouverneur] Morris, seconded by Mr. [Meriwether] Smith,

*Ordered*, That they be referred to the Board of Treasury.

Congress took into consideration a report of the Committee of the Treasury for borrowing a farther sum of four millions of dollars on loan office certificates. After debate,

*Ordered*, That it be re-committed.

Congress took into consideration a report from the Committee on the Treasury of the 5th; and, thereupon,

*Resolved*, That the three commissioners for destroying bills of credit to be taken out of circulation by order of Congress, be allowed on every 100 dollars so destroyed 2/90 parts of a dollar, to be equally divided between them.

That John Nixon Esq: Col. Shee, Andrew Doz have been recommended by Francis Hopkinson Esq Treasurer of Loans; Hugh Montgomery by Doctor Witherspoon, and John Miller Esq by Doctor Ewing, as proper persons to be appointed Commissioners for destroying the Bills to be taken out of circulation.

The following gentlemen are nominated as proper persons to be appointed commissioners for destroying the bills to be taken out of circulation, viz. Andrew Doz, by Mr. [William] Paca; John Shee, by Mr. [Samuel] Atlee; Hugh Montgomery, by Mr. [John] Witherspoon.<sup>2</sup>

<sup>1</sup>This extract is in the *Papers of the Continental Congress*, No. 69, II, folio 43.

<sup>2</sup>This report, dated April 5, is in the *Papers of the Continental Congress*, No. 136, III, folio 221.

Congress, by general consent, proceeded to an election; and the ballots being taken, Andrew Doz, John Shee, and Hugh Montgomery, were elected.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Mr. Edward Langworthy, delegate from the State of Georgia, on his application for six thousand dollars, the said State to be accountable.

*Ordered*, That a warrant issue on the treasurer, in favour of Jonathan Trumbull, Jun., Esq. comptroller of the treasury of the United States, for nineteen hundred and fifty three dollars and 30/90 for his salary to the 13th April, 1779, and cash paid an express to Boston on public service.

*Resolved*, That the loan office certificates which may issue for prizes of the third class of the lottery of the United States shall bear an interest of six per cent per annum, any resolution to the contrary notwithstanding.<sup>1</sup>

*Resolved*, That the treasurer of loans be allowed three quarters of 1/90 of a dollar for every 100 dollars which he may receive to be destroyed, in full compensation of all charges for a clerk, office rent, fire-wood, stationary, and other contingent expences.

On the question to agree to this resolution, the yeas and nays being required by Mr. [Meriwether] Smith,

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Whipple,	ay } ay	Mr. Collins,	no } no
<i>Massachusetts Bay,</i>		<i>Connecticut,</i>	
Mr. S. Adams,	ay	Mr. Spencer,	ay } *
Gerry,	ay	<i>New York,</i>	
Lovell,	ay	Mr. Jay,	no } div
Holten,	no	Floyd,	ay

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, III, folio 289.

<i>Pennsylvania,</i>		<i>Virginia,</i>	
Mr. Armstrong,	no	Mr. M. Smith,	no
Atlee,	no } no	R. H. Lee,	ay } ay
Muhlenberg,	ay }	Griffin,	ay }
<i>Delaware,</i>		<i>North Carolina,</i>	
Mr. Vandyke,	ay } ay	Mr. Hill,	no }
<i>Maryland,</i>		Burke,	no }
Mr. Carmichael,	ay } ay	<i>South Carolina,</i>	
Henry,	ay }	Mr. Drayton,	ay } ay

So it was resolved in the affirmative.

Adjourned to 10 oClock to Morrow.

**TUESDAY, APRIL 13, 1779**

A letter, of this day, from General Lee, was read, representing that in a publication of this day, there is a paragraph respecting General Moultrie's having defended Fort Sullivan against his (General Lee's) judgment, which throws him into the disagreeable alternative of either silently sitting down under a charge which may make an impression on the minds of the people unfavorable to his conduct and capacity, or of justifying himself by a publication which at this juncture may be inexpedient; that if Congress will condescend to appoint a committee to hear what he has to say on that subject, he has no doubt of making his conduct appear satisfactory; but if that measure should be thought improper, then requesting that they will order the letter of thanks, with which they honored him on the occasion, to be republished:<sup>1</sup> Whereupon,

*Resolved*, That the vote of thanks to Major General Lee, on account of his conduct on the 28th June, 1776, be republished; and that Congress have no reason to alter their opinion of his conduct on that occasion.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 158, folio 139.

On motion by Mr. R[ichard] H[enry] Lee, seconded by Mr. [Henry] Laurens,

*Resolved*, That the Marine Committee take such order, respecting retaining the continental ship yard and workmen now in their employ, as they shall think most conducive to the public good.

A letter, of this day, from T. Edison, G. Bond, and J. Coit, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 2, from J. Carter, continental agent in Virginia, was read:

*Ordered*, That it be referred to the Marine Committee.

A letter, of this day, from Lieutenant Colonel Knobelauch, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

The committee appointed to consider what farther measures are necessary for the defence of South Carolina and Georgia, report,

"That the subjects of the most Christian King, residing in South Carolina have offered to form a corps of volunteers for the defence of the said State, to be commanded by officers of their own nation: That the said offer is approved by the Minister of France, and that the Marquis de Brétigny requests to be appointed to the command;" Whereupon,

*Resolved*, That Congress have a high sense of the offer made by the subjects of his most Christian Majesty residing in South Carolina, to incorporate themselves for the defence of the said State, and that the same be accepted.

*Resolved*, That the Marquis de Brétigny, who, from his generous sacrifices, from his great sufferings, and from his military abilities, is entitled to the regard of the United States, appears from his military talents, rank, and abilities,

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 471.

to be a proper person to command the said corps, [and that he be accordingly recommended to the governor of South Carolina.]

*Resolved*, That the said corps, while embodied in actual service, be upon continental establishment of pay and rations.]<sup>1</sup>

*Resolved*, That the State of Virginia be requested to lend to the United States 1000 stand of arms, for the purpose of arming the forces destined for the defence of South Carolina and Georgia; and that the Board of War be ordered to replace the same without delay.<sup>2</sup>

The Committee on the Treasury brought in a report on the subject of supporting the expences of the war, which was read:

*Ordered*, That it be re-committed, together with their report respecting the arrangement of the Treasury Board, and that they cause a number of copies of the same to be printed for the consideration of the members.<sup>3</sup>

A letter, of 16 March, from W. Greene, governor of Rhode island, was read.<sup>4</sup>

A report from the Board of War on the letter of General Greene, Q. M. G., relative to the inlistment of waggoneers was brought in, and the same being taken into consideration, a part was agreed to, part postponed, and a part re-committed.<sup>5</sup>

Congress resumed the consideration of the report of the committee appointed to confer with the Commander in Chief,

<sup>1</sup> The words in brackets are not in the original report.

<sup>2</sup> This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 20, II, folio 377.

<sup>3</sup> See under April 22, p. 491, post.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 64, folio 432.

<sup>5</sup> See under April 17, p. 467, post. The report is endorsed: "Read 13th. Part agreed and part recommitted. No entry being made of the part agreed to, the Board of War is desired to send back this report to Congress when the report upon the part recommitted [is returned.]"

recommending the full value of rations allowed to the officers of the army, to be paid them in lieu of the present subsistence money, and on motion of Mr. [John] Penn, seconded by Mr. [Thomas] Burke,

*Ordered*, That it be re-committed.

*Resolved*, That three thousand dollars be advanced to the Marquis of Brétigny, for which sum he is to be accountable, deducting the necessary expence of his journey to Charles town.

TREASURY OFFICE March 31<sup>st</sup> 1779

The Committee on the Treasury beg leave to report

That having taken into consideration the late arrangement for the Treasury, and consulted M<sup>r</sup> Trumbull, appointed to the Office of Comptroller, and M<sup>r</sup> Gibson Auditor General thereon, the latter made his report which is annexed.

That your Committee conceive it will be sufficiently obvious from the said report that the present arrangement cannot be carried into practice.<sup>1</sup>

Adjourned to 10 oClock to Morrow.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, III, folio 205. Gibson's report was as follows:

*Auditor General, His report on the arrangement of the Treasury.*

One of the greatest objections to the arrangement is perhaps that it by no means takes in the whole of the business incidental to the Treasury. It is confined merely to accounts, and leaves untouched, all that variety of business, which has hitherto employed the attention of the Treasury Board, and which would take up too much of the time of Congress if carried there. Therefore of necessity it follows that a Treasury Board must still exist for the despatch of these matters.

Another great objection seems to be, that for the sake of checks on the *Superior Officers*, the machine is so clogged, as to defeat in a great measure the intention of having the public accounts speedily settled. There are many accounts the Investigation of which will take up a set of Commissioners from three to six months, they must pass the like Examination in the Auditors Office, and will take up the same or nearly the same time; and consequently there cannot be more than from two to four of such settled in the course of a year.

It will be of little avail to the public in the *present* situation of the public accounts, which are now prodigiously aggregated, and indeed will be so far from diminishing the Mass, that at the end of the year (if the war proceeds) it will be found to have greatly increased.

It should seem that the mode of doing business hitherto practised, is liable to the objection, that frauds might be committed by the *Superior Officers*. The new

**WEDNESDAY, APRIL 14, 1779**

A petition, from Margaret Peele, was read, desiring leave to go into New York.

The committee appointed to confer with the joint committee of the legislature and supreme executive council of Pennsylvania, reported, that the following resolution was offered by the said joint committee, in order that the sense of Congress might be taken thereon, viz.

*"Resolved,* That in the execution of any resolve of Congress recommended to Legislative or Executive authority of any State, it is the duty of every Officer in the continental service on reasonable notice to attend any such authority and give them all legal and reasonable information, or decently and respectfully to signify the reason of non-attendance, of which the said authority shall judge.

*"Resolved,* That the power granted to the executive authority of the states in the union by the resolve of the 21st of August, 1778, was an exclusive authority; and that the

arrangement don't seem to afford additional security; for by the first the same sum or balance appears in three different Offices, viz in the Commissioners, the Auditor General's and the Secretary of Congress; and by the last the like appears, viz in the Chambers of Accounts, the Auditors and Comptrollers offices. To detect Frauds in either an enquiry must be set on foot.

It is observable also, that the Commissioners are the sole Judges of Accounts; after they have passed them however exceptionably in his opinion, the auditor has no power to interfere, unless by an appeal from the Accompant. Add to this the situation of the Auditor is humiliating, He is made the greatest of all Drudges, the Examiner of vouchers, and comparing them with the charges they are adduced to support; and this too after his Clerks have done the same Work. Another objection, and it may not be the least, is, that the duties required of the Comptroller and Auditor constrain their constant attendance otherwise business must be wholly suspended; and as often as either of them may be by sickness or necessity, called away; either Congress must interfere and supply a Remedy or disagreeable Inconveniences arise. But what is the proper duty of the Auditor General according to his original appointment. He was appointed to undertake the employment of "stating arranging and keeping the public accounts;" and I should suppose as a matter incidental to his office he had the right of rejecting any improper charge in accounts presented for settlement, after they may have passed the Chambers, and to instruct the Commissioners in cases of difficulty.

official or authoritative exercise thereof by any officer of the United States, or other person, is derogatory and dangerous to the interests of the states."<sup>1</sup>

The same being taken into consideration, a substitute was moved by Mr. Gouverneur Morris, and seconded by Mr. Samuel Adams, as follows:

Whereas Congress, on the twenty first day of August last, did resolve, that when any persons are desirous of going within the enemy's lines, they shall apply to the executive powers of the State to which they belong, and if the said executive powers approve the motives and characters of the persons applying, and shall be of opinion, especially at so critical conjunctures as the present, that no danger will ensue by granting such permission, that they recommend them to the officer commanding the troops next to the enemy, who, upon such recommendation, may, at his discretion, permit the persons to go in.

For the better execution of the said resolution,

*Resolved*, That any officer who shall permit a person to go within the enemy's lines, without such recommendation, or the orders of the Commander in Chief, or the commander of a separate department, and shall thereof be duly convicted before a court martial, shall thereby forfeit his commission.

On the question to agree to this as a substitute, the yeas and nays being required by Mr. [Gouverneur] Morris,

Resolved in the affirmative, every member answering ay.

A motion was then made by Mr. [Thomas] Burke, seconded by Mr. [John] Armstrong, after "or the orders," to insert the words "or authority:"

On which the yeas and nays being required by Mr. [Thomas] Burke,

<sup>1</sup> These resolutions are in the *Papers of the Continental Congress*, Miscellaneous.

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple, Frost,	no } no	Mr. Armstrong, Shippen, Atlee,	ay } no
<i>Massachusetts Bay,</i>		Searle,	no }
Mr. S. Adams, Lovell, Holten,	no } no	Muhlenberg,	no }
	no	Wynkoop,	no
<i>Rhode Island,</i>		<i>Delaware,</i>	
Mr. Ellery, Collins,	no } no	Mr. Vandkye,	no } no
<i>Connecticut,</i>		<i>Maryland,</i>	
Mr. Spencer,	no ; *	Mr. Plater, Henry,	no }
<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay, Floyd, Lewis,	no } ay no	Mr. T. Adams, F. L. Lee, R. H. Lee, Griffin,	no } no ay
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Fell,	no ; *	Mr. Penn, Burke,	ay } ay
		<i>South Carolina,</i>	
		Mr. Laurens,	no } no

So it passed in the negative.

On the question to agree to the substitute as a resolution:  
Resolved in the affirmative.

A letter, of 12, from General Washington, was read, enclosing a letter to him from Major Harnage, in behalf of himself and Captain Hawker, both of the 62d regiment, British, requesting permission for himself and his family, with Captain Hawker, to go by way of Rhode Island to New York, and from thence by water to Fredericksburgh, or any town nearest to Charlottesville, to join the troops of the convention: also enclosing the proceedings of the court martial held by order of Congress, upon the officers of the elaboratory, and deputy quarter master at Springfield.<sup>1</sup> Whereupon,

*Resolved*, That General Washington be informed that Congress cannot agree to Major Harnage and Captain Hawker's

<sup>1</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, VII, folio 247; that of Harnage is on folio 251.

going to Virginia in the way proposed and requested, but have no objection to their remaining where they are.

*Ordered*, That the proceedings of the court martial be returned to the Commander in Chief, and that he take such order thereon as he shall judge proper.

It being represented to Congress that the general assembly of the State of Massachusetts bay, have authorized and directed the board of war of the said State, to purchase flour and grain for the use of the inhabitants thereof, who are greatly distressed by the want of bread:

*Resolved*, That it be, and hereby is, recommended to the executive powers of the states of Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York, to permit the exportation of such flour and grain as has been or may be purchased within the said states respectively, under the direction of the said board of war, if authorized as aforesaid.

A motion was made by Mr. [Henry] Laurens, seconded by Mr. S[amuel] Adams,

That two members be appointed on the committee which was appointed to confer with the Commander in Chief, in the room of Mr. [James] Duane and Mr. [Jesse] Root:

And on the question to agree thereto, the yeas and nays being required by Mr. [John] Jay,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	ay } ay	Mr. Jay,	no }
Frost,	ay	Floyd,	no }
<i>Massachusetts Bay,</i>		Lewis,	ay
Mr. S. Adams,	ay }	<i>Pennsylvania,</i>	
Lovell,	no } ay	Mr. Armstrong,	no
Holten,	ay	Shippen,	ay
<i>Rhode Island,</i>		Atlee,	ay }
Mr. Ellery,	no }	Muhlenberg,	ay
Collins,	no	Wyncoop,	ay
<i>Connecticut,</i>		<i>Delaware,</i>	
Mr. Spencer,	ay } *	Mr. Van Dyke,	ay } ay

<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater,	no	Mr. Penn,	no } no
Paca,	no } no	Burke,	
Henry,	no }	<i>South Carolina,</i>	
<i>Virginia,</i>		Mr. Laurens,	no ; no
Mr. T. Adams,	no		
F. L. Lee,	ay		
Smith,	no } no		
R. H. Lee,	ay		
Griffin,	no		

So it passed in the negative.

A motion was made by Mr. Gouverneur Morris, and seconded by Mr. [Thomas] Burke, in the words following:

Whereas the subsistence money allowed to the officers of the United States, by a resolution of the 2d day of June last, hath become insufficient for their support, by the rapid increase of the prices of the necessaries of life; therefore,

*Resolved*, That it be recommended to the several legislatures to make provision for supplying the officers of their states respectively with the articles at and after the rates following, viz. West India rum two-thirds of a dollar per gallon, Muscovado sugar at half a dollar per pound, coffee at half a dollar per pound, tea at one dollar and two-thirds per pound, and chocolate at half a dollar per pound;

Provided, that a Colonel, Lieutenant Colonel, or Chaplain of a Brigade shall be entitled to draw only six gallons of Rum, either four pounds of Coffee or Chocolate, or one pound of tea and twelve pounds of Sugar monthly; A Major or Regimental Surgeon, only four gallons of Rum, either three pounds of Coffee or Chocolate, or three quarters of a pound of tea and eight pounds of Sugar monthly, a Captain, three gallons of Rum and other articles as a Major; and a Lieutenant, Ensign or Surgeons Mate, two gallons of Rum, either two pounds of Coffee or Chocolate, or one half of a pound of tea and six pounds of Sugar monthly. And further that such states as have already made provision for their officers be requested to adapt their regulations and Prices to those abovementioned, for the purpose of placing all the

officers of the Continental Army, upon an equal footing. For which purpose it is further Resolved that an agent be appointed to supply with the articles and at the rates, and under the provisoes aforesaid such officers as do not belong to any particular State at the expence of the United States.<sup>1</sup>

And that an agent be appointed to supply the officers not belonging to any particular State at and after the same rates, at the expence of the United States, according to such rules and regulations as the Commander in Chief shall frame and direct.

On motion of Mr. [William] Ellery, seconded by Mr. S[amuel] Adams, that the consideration thereof be postponed till to-morrow.

The yeas and nays being required by Mr. Gouverneur Morris,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple,	no } no	Mr. Armstrong,	ay
<i>Massachusetts Bay,</i>		Shippen,	ay
Mr. S. Adams,	ay	Atlee,	no
Lovell,	ay   ay	Searle,	ay   ay
Gerry,	ay	Muhlenberg,	ay
Holten,	ay	Wynkoop,	no
<i>Rhode Island,</i>		<i>Delaware,</i>	
Mr. Ellery,	ay	Mr. Vandyke,	no } no
Collins,	ay	<i>Maryland,</i>	
<i>Connecticut,</i>		Mr. Plater,	no
Mr. Spencer,	ay } *	Paca,	no
<i>New York,</i>		Carmichael,	no   no
Mr. Jay,	ay	Henry,	ay
Duane,	no		
Morris,	no   no		
Floyd,	no		
Lewis,	no		

<sup>1</sup>This motion, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 31, folio 58.

<i>Virginia,</i>		<i>North Carolina,</i>	
Mr. T. Adams,	no	Mr. Penn,	no } no
F. L. Lee,	ay	Burke,	
Smith,	ay	<i>South Carolina,</i>	
R. H. Lee,	no	Mr. Laurens,	no } no
Griffin,	no	Drayton,	
Nelson,	no		

So it passed in the negative.

After debate, on motion by Mr. [Samuel] Holten, seconded by Mr. S[amuel] Adams,

*Resolved*, That it be referred to the committee appointed to confer with the Commander in Chief.

*Resolved*, That Dr. Joseph Gardner be appointed a signer of the continental bills of credit.

Adjourned to 10 oClock to Morrow.

#### THURSDAY, APRIL 15, 1779

Mr. William Sharpe, a delegate from North Carolina, attended, and produced the credentials of his appointment, which were read, as follows:

STATE OF NORTH CAROLINA,  
IN THE HOUSE OF COMMONS, 4 Feby. 1779.

Mr. Person, one of the Committee appointed on the part of this House, to superintend the Balloting for a judge of the Superior Court, two Delegates, a Brigadier General for the District of Wilmington, a Councillor, and a place for holding the next Assembly at, Reported, that by a Majority of the votes of both Houses, Archibald McLean Esquire was elected a judge, Joseph Hewes and William Sharpe, Esquires, Delegates, Frederick Jones, Esq. Councillor, Alexander Lillington, Esq., Brigadier General, and that the next Assembly was to be held at New Bern.

The House taking the said Report into Consideration, Resolved that they do concur therewith.

By order,

JOHN HUNT, C. H. C.<sup>1</sup>

<sup>1</sup> The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*.

A letter, of 7 March, from Major General Lincoln, was read:<sup>1</sup>  
*Ordered*, That it be referred to the delegates of South Carolina, and that they confer with Major Meade and report thereon, and that a copy be referred to the Committee of Intelligence.

A letter, of 14, from J. Reed, president of Pennsylvania, was read, enclosing a copy of the report of the joint committee and the consequent resolves passed by the legislative and executive authorities of the said State:<sup>2</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 158, folio 243.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 49. The report of the joint committee of the Pennsylvania Assembly touches so pertinently on the relation of Congress to the State that it is printed.

"The points stated by the Joint Committee of Council and Assembly, as comprised in their representation of the [ ] Instant to the Honble Continental Congress, and more fully opened to the Honble the Committee of that Body.

"1. The interference of the members of that Honorable Body in the internal affairs of this State, generally alledged as one cause of the unhappy disputes thereof, shewn in particular instances by the proceedings of M<sup>s</sup>rs. Gouverneur Morris and [John] Harvie on the twenty fourth of January, 1778; and in the appearance of the former Gentleman, in a dispute between the contending parties of this State before the House of Assembly at their last session, to the great dissatisfaction of the inhabitants of Pennsylvania, who suppose the delegates of the United States sent here to attend the affaires of the common Union, not to advocate the measures of any party.

"2. The inattention of that Honorable Body to the complaints of the State in publick abuses and indignities offered by their Officers to the authority of the State, and the want of redress of such abuses when laid before them, illustrated,

"1st. In the case first mentioned, the Council having complained thro' their delegates of such interposition without effect.

"2ndly. For that complaint having been made by the Council of Safety of the great abuse of publick wagons by Robert Lettis Hooper, Jr. Deputy Quarter Master General, to the Board of War in January or February, 1778, that Board without giving any hearing to the Council to support their charge, heard Mr. Hooper's story, supported by *ex parte* affidavits, and acquitted him, the Council then sitting at Lancaster, and the complainants and witnesses being in Northampton, seventy miles off unacquainted with any such proceeding.

"N. B. The papers respecting this point being in a committee of safety are not yet in the possession of this Committee, and not having obtained from the Board of War their proceedings, owing to the other business of that Board and the shortness of the notice, this matter is offered on memory.

"3rdly. The said Hooper presuming upon this favourable reception, fell upon the Attorney General of the State who had *ex officio* drawn up the said representation and beat him; but not satisfied with this, wrote a letter to the Honble Gouverneur Morris, Esquire, a member of Congress on a committee sitting at the Valley Forge,

*Ordered, That the resolutions of Congress and of the general assembly and executive council of the State of boasting of said exploit, and that as he had horsewhipped the Attorney General, he proposed to go through with the Council and should not stop at the President of the State. Which letter was publicly shewn by the said Mr. Morris to the Commander in Chief and others. But being demanded by the delegate of Pennsylvania as a high Insult to the State, was refused upon the allegation of its being a private letter.*

*"4thly. For that a Committee of Congress, consisting of Messrs. Witherspoon, G. Morris, and Reed, having been appointed on some letters of the late Quarter Master General, a well authenticated complaint was made supported by a number of affidavits that when the army at Valley Forge was in the most deplorable condition for want of food, and the means of transportation, a number of publick waggons, under the direction of the said Hooper, were sent to Boston drawing publick provisions and forage, carrying private property, vizi: bar Iron and flour, and returning with salt, sugars, and other merchandize, likewise private property. Upon which the Committee then consisting of Messrs. Witherspoon and Morris reported, that there was reason to believe the complaint was well founded, which report delivered last October, remained unnoticed a long Time, and yet does, for ought we can learn; and Mr. Hooper still continues an Officer of much employment under the United States.*

*"5thly. For that in the most distressing situation of the frontiers last summer, Congress having been pleased to take measures for their relief, and the Secretary of Congress being possessed of necessary papers, he declared in indecent terms that he would not deliver them, until the Council should find a house for him to reside in. Upon which, Council having complained of the indignity as well as the injury, it was referred to a Committee and no farther notice taken thereof, or satisfaction given to this hour.*

*"6thly. For that the Council of Pennsylvania having complained to Congress of the abuse of the publick waggons of this State, on the 25th January, by Major General Arnold, and requested to cause the said Officer's command, to cease in this State, as had been done in the case of other States, the said request was not granted, but the said General Arnold was permitted to continue therein, and insult the authority of the State in weekly publications, without any notice of Congress.*

*"7thly. For that the Council having requested upon the exhibition of the said charge, that the said General Arnold might be detained within the State from which he was departing, till the said charge could be examined, Congress neglected or declined to pay any attention thereto, the said Council being wholly ignorant when the said Officer would return or whether ever.*

*"8thly. For that a Committee of that Honorable Body having been appointed to examine into the said complaint, on the twenty sixth of January, they proceeded thereon, hearing the said General Arnold, and examining his witnesses without notice to the State, or giving any opportunity to cross examine the said witnesses, or hear the said defence; Whereas the State gave due notice as well to the said General Arnold as the said committee, of the time and place of examining witnesses, and Council attended on the part of General Arnold.*

*"9thly. For that the said Committee delayed reporting on the said charge until the      March Instant, Whereas on complaints from other States, redress had never been delayed beyond a few days.*

*"10thly. For that this Council having sent papers to Congress respecting General Arnold, and tending to prove his culpability in the article of giving passes to dis-*

Penssylvania passed by the recommendation of the late committees of conference, be published.

A memorial from the staff officers of the general hospital was read:

*Ordered*, That it be referred to the Medical Committee.

A petition of Major Solomon Bush was read:

*Ordered*, That it be referred to the Board of War.

The delegates of Virginia laid before Congress a letter of 29 March last, from J. Page, lieutenant governor of the said State, which was read:

*Ordered*, That it be referred to the said delegates, and that they report thereon.

A letter, of 27 February, from Major General Lincoln was read.<sup>1</sup>

Congress resumed the consideration of the report of the committee appointed to take into consideration the foreign affairs of these United States, and also the conduct of the late and present commissioners of these states, wherein the committee report,

"1. That it appears to them that Dr. Franklin is plenipotentiary for these states at the court of France, Dr. A. Lee, commissioner for the court of Spain, Mr. William Lee, com- affected persons, out of three papers delivered, two only could be recovered, the others having been lost by Mr. Duer the chairman of the committee to whom they were intrusted.

"11thly. For that the Council in the execution of the resolves of Congress of the ninth of February and twenty first of August, 1778, having been opposed and indecently treated by the Officers of Congress and complaint made, no support, redress, or satisfaction hath been given

"12thly. For that in the course of last summer, a delegate in Congress, from the State of New Jersey, appeared as an Attorney in behalf of John Roberts, then under a charge and since executed for High Treason

"The Joint Committee also cannot forbear noticing the reception of *ex parte* affidavits taken by General Arnold's Aid de camp, not merely to exculpate him but to convey insinuations upon other persons, not the subjects of any complaint, which however unintended to affect the character of others has not the appearance of fairness and candour."

This paper is in the *Papers of the Continental Congress*, Miscellaneous.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 158, folio 235.

missioner for the courts of Vienna and Berlin, Mr. R. Izard, commissioner for the court of Tuscany: that Mr. J. Adams was appointed one of the commissioners at the court of France in the place of Mr. Deane, who had been appointed a joint commissioner with Dr. Franklin, and Dr. A. Lee, but that the said commission of Mr. Adams is superseded by the plenipotentiary commission to Dr. Franklin.

2. That it is the opinion of the committee that ministers plenipotentiary for these states are only necessary, for the present, at the courts of Versailles and Madrid.

3. That in the course of their examination and enquiry, they find many complaints against the said commissioners, and the political and commercial agency of Mr. Deane; which complaints, with the evidence in support thereof, are herewith delivered, and to which the committee beg leave to refer.

4. That suspicions and animosities have arisen among the said commissioners which may be highly prejudicial to the honor and interests of these United States.

5. That the appointments of the said commissioners be vacated, and that new appointments be made.

6. That there be but one plenipotentiary minister or commissioner for these United States at a foreign court.

7. That no plenipotentiary minister or commissioner for these United States, while he acts as such, shall exercise any other public office.

8. That no person be appointed plenipotentiary minister or commissioner for these United States, who is not a citizen thereof, and who has not a fixed and permanent interest therein.

9. That fit and proper persons be appointed to settle and adjust Mr. Deane's public accounts, and the public accounts of all other persons who have transacted the commercial affairs of these states in France.

10. That each of the plenipotentiaries, ministers, and commissioners, who now is, or has been, or may be appointed, be allowed at the rate of              per annum."

The House having, on the former days, when the report was under debate, agreed to the first and second articles thereof; and having also read the third article and the papers therein referred to, a motion was this day made by Mr. Gouverneur Morris, and seconded by Mr. [William Henry] Drayton,

"That the members of this House who may have any papers or evidence in their possession relative to the said report, do lay the same upon the table."

On the question put, resolved in the affirmative.

Congress proceeded to consider the fourth article in the report, when a motion was made by Mr. [Meriwether] Smith, and seconded by Mr. [William] Carmichael, to strike out the words "which may be." <sup>1</sup>

After debate thereon,

Adjourned to 10 oClock to Morrow.

**FRIDAY, APRIL 16, 1779**

A letter, of this day, from Major General Arnold was read,<sup>2</sup> earnestly requesting the decision of Congress on the sixth, seventh and eighth charges against him, in the proceedings of the supreme executive council of Pennsylvania, of the 3d February, on which their committee hath reported:

On which a motion was made by Mr. [John] Witherspoon, and seconded by Mr. S[amuel] Adams,

<sup>1</sup> In the *Papers of the Continental Congress*, No. 36, IV, folio 597, is the following motion in writing of Thomas Burke:

"That all the paragraphs of the Report preceding that which states 'that suspicions and animosities have arisen among the said Commissioners, which may be highly prejudicial to the honor and interests of these United States,' be postponed, and the said paragraph taken under consideration."

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 162, folio 177.

That the said letter lie on the table.

The yeas and nays being required by Mr. [John] Penn,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple, Frost,	ay } ay	Mr. Van Dyke,	ay } ay
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams, Lovell, Holten,	ay } ay	Mr. Plater, Paca,	no } ay div.
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery, Collins,	no } no	Mr. T. Adams, Smith, R. H. Lee, Nelson,	ay } ay
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Spencer,	ay } *	Mr. Penn, Hill, Burke,	no } ay
<i>New York,</i>		Sharpe,	no } excused
Mr. Jay, Morris, Floyd, Lewis,	no } no	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Laurens, Drayton,	no } no
Mr. Witherspoon, Fell,	ay } ay		
<i>Pennsylvania,</i>			
Mr. Armstrong, Shippen, Atlee, Searle, Muhlenberg, Wyncoop,	ay ay ay ay ay ay		

So it was resolved in the affirmative.

A letter, of 27 March, from Will. Bingham, at Martinique, directed to the Committee on Foreign Affairs, was laid before Congress and read, enclosing accounts of disbursements on account of the frigate *Deane*, Captain Nicholson, and the brig *General Gates*, Captain Waters:

*Ordered*, That the accounts be referred to the Marine Committee, and that they report the ways and means of paying the same.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Henry Laurens and William Henry Drayton, Esquires, delegates of the State of South Carolina, on their application, for forty one thousand dollars, of which thirty six thousand five hundred, is for the purpose of answering an order of the State in favour of Don Juan Mirailles, and four thousand five hundred, for the use of the delegates; the said State to be accountable.

Whereas Major General Baron Steuben has been employed upwards of six months in preparing regulations for the department of Inspector General, and the discipline of the army, in which he has been assisted by the gentlemen hereafter named, and it being represented by the Board of War that they have been indefatigable in the said business and expended large sums for their support in this city, and that the regulations have great merit and will be productive of signal advantage in the economy and discipline of the army; therefore,

*Ordered*, That a warrant issue on the treasurer, in favour of Baron Steuben, for two thousand five hundred dollars; one thousand whereof for the use of Lieutenant Colonel Fleury, six hundred for the use of Captain Walker, five hundred for the use of Captain L'Enfant, and four hundred for the use of Captain du Ponceaux, as a compensation for their respective services and expences aforesaid.

That another warrant issue on the treasurer, in favour of Baron Steuben, for four thousand dollars on account of his expences.<sup>1</sup>

<sup>1</sup> This report, dated April 15, is in the *Papers of the Continental Congress*, No. 136, III, folio 243.

## The commissioners report,

That they have examined the account of Col: David Kenedy, for a detachment of Militia in Frederich County, Virginia employed escorting and guarding British prisoners to and in Winchester, and find that he has advanced by the sev- eral Pay Rolls the sum of Three thousand six hundred thirty four and 44 Dollars	Dollars.
That he charges for rations issued on the aforesaid service as per receipts Twelve thousand five hundred forty nine and 7 dollars	3634 44
That he also charges for wood and sundries supplied by himself Seven hundred seventy eight and 2 Dollars, which with Three hundred fifty two and 7 being two per cent allowed him for his expenses makes Eleven hun- dred thirty one and 4 Dollars <sup>1</sup>	12,549 7

That there is due to Colonel David Kennedy for a detach-  
ment of militia employed in escorting and guarding British  
prisoners to and in Winchester, rations &c, the sum of seven-  
teen thousand three hundred and fifteen dollars and 10/90.

*Ordered*, That the said account be paid.

The Committee on the Treasury report,

TREASURY OFFICE April 13<sup>th</sup> 1779

The Committee on the Treasury beg leave to report the following  
Resolutions

*Resolved* That six thousand tickets of the 3<sup>d</sup> class of the Lottery  
of the United States be delivered to \_\_\_\_\_ to be by him disposed of  
in Europe and invested in such articles of Clothing as the Board of  
War shall direct

That \_\_\_\_\_ per cent be allowed on the sale of the tickets and  
per cent on the returns.

That the Board of Treasury give necessary directions for checking  
and conducting this business.

That a warrant issue on the treasurer, in favour of Doctor  
Jonathan Potts, deputy director general of the military  
hospitals for the middle department, upon the application of

<sup>1</sup> This report, dated April 10, is in the *Papers of the Continental Congress*, No. 136,  
III, folio 236.

the Medical Committee, for one million of dollars, for the use of his department, and for which he is to be accountable.<sup>1</sup>

A motion was made by Mr. [Samuel] Adams, and seconded by Mr. [James] Searle, to strike out the words "one million", in order to insert a less sum, and on the question,

Shall the words "one million" stand, the yeas and nays being required by Mr. [Gouverneur] Morris,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. Van Dyke,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no } *	Mr. Paca,	ay } div.
Holten,	no }	Carmichael,	no }
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery,	no } no	Mr. T. Adams,	no }
Collins,	no }	Smith,	ay }
<i>Connecticut,</i>		R. H. Lee,	no }
Mr. Spencer,	no } *	Griffin,	ay }
<i>New York,</i>		<i>North Carolina,</i>	
Mr. Jay,	no }	Mr. Penn,	no }
Duane,	no }	Burke,	ay }
Morris,	ay }	Sharpe,	ay }
Lewis,	ay }	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Laurens,	no }
Mr. Witherspoon,	no } no	Drayton,	ay }
Fell,	no }		
<i>Pennsylvania,</i>			
Mr. Armstrong,	no }		
Atlee,	ay }		
Searle,	no }		
Muhlenberg,	no }		
Wyncoop,	ay }		

So it passed in the negative and the words were struck out.

A motion was then made by Mr. [Gouverneur] Morris, and seconded by Mr. [Thomas] Burke, to insert "eight hundred

<sup>1</sup> This report, dated April 13 and 14, is in the *Papers of the Continental Congress*, No. 136, III, folio 241. In the same report were the paragraphs on Colonel Flower and John Penn, printed under April 19, post.

thousand"; on which the yeas and nays being required by Mr. [John] Jay,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	ay } ay	Mr. Van Dyke,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no }	Mr. Plater,	ay }
Holten,	*      no }	Paca,	ay }
<i>Rhode Island,</i>		Carmichael,	ay }
Mr. Ellery,	no }	<i>Virginia,</i>	no }
Collins,	no }	Mr. T. Adams,	no }
<i>Connecticut,</i>		Smith,	no }
Mr. Spencer,	no }	R. H. Lee,	no }
<i>New York,</i>		Griffin,	ay }
Mr. Jay,	no }	<i>North Carolina,</i>	
Duane,	no }	Mr. Penn,	no }
Morris,	ay }	Burke,	ay }
<i>New Jersey,</i>		Sharpe,	ay }
Mr. Witherspoon,	no }	<i>South Carolina,</i>	
Fell,	no }	Mr. Laurens,	no }
<i>Pennsylvania,</i>		Drayton,	div.
Mr. Armstrong,	no }		
Atlee,	ay }		
Searle,	no }		
Muhlenberg,	no }		
Wyncoop,	ay }		

So it passed in the negative.

A motion was made by Mr. [James] Duane, seconded by Mr. S[amuel] Adams, to insert five hundred thousand; on which the yeas and nays being required by Mr. [John] Jay,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple,	ay } ay	Mr. Spencer,	ay } *
<i>Massachusetts Bay,</i>		<i>New York,</i>	
Mr. S. Adams,	ay }	Mr. Jay,	no }
Gerry,	ay }	Duane,	ay }
Holten,	ay }	G. Morris,	ay }
<i>Rhode Island,</i>		<i>New Jersey,</i>	
Mr. Ellery,	no }	Mr. Witherspoon,	ay }
Collins,	div.	Fell,	ay }

<i>Pennsylvania,</i>		<i>Virginia,</i>	
Mr. Armstrong,	ay	Mr. T. Adams,	ay
Atlee,	ay	Smith,	no
Searle,	ay	R. H. Lee,	ay
Muhlenberg,	ay	Griffin,	ay
Wyncoop,	ay	<i>North Carolina,</i>	
<i>Delaware,</i>		Mr. Penn,	ay
Mr. Van Dyke,	ay } ay	Burke,	ay
<i>Maryland,</i>		Sharpe,	ay
Mr. Plater,	ay	<i>South Carolina,</i>	
Paca,	ay	Mr. Laurens,	no
Carmichael,	ay	Drayton,	ay
			div.

So it was resolved in the affirmative.

On the question to agree to the report as amended,

Resolved in the affirmative.<sup>1</sup>

The committee on the post office having conferred with the post master, and other principal officers of that department, report,

That it will be proper to supply the post master general immediately with 6967 dollars and one third of a dollar, to pay the debts due from the post office for the quarter ending the 5th of this month:

That it will be proper to advance to the post master, on account, the further sum of 5000 dollars, for the accruing expences of his department, to the end that, dealing with ready money, he may be enabled to make the best bargains for the public:

That the present rate of postage be doubled.<sup>2</sup>

<sup>1</sup>At this point the entries are in the writing of George Bond.

<sup>2</sup>"The officers of the American Army beg leave to inform their friends and correspondents, that the postage of all letters to and from the Army is doubled; but as their pay is fully adequate to every expence, they therefore request them to send all letters by the public post, and not, through any economical view, by a private conveyance.

"Tis a pity that the Honorable Congress did not treble the postage for Officers letters as a large annual sum by this means would be put into the public Treasury.

"†††The several Printers of news-papers on the Continent are requested to insert the above." *Pennsylvania Packet*, June 22, 1779.

That the annual salary of the post master general for the future be 2000 dollars per annum:

That the surveyor's pay be increased from six dollars to 12 dollars per day each:

That the comptroller's salary be increased from 340 dollars to 680 dollars per annum:<sup>1</sup>

*Resolved*, That Congress agree to the said report.

AT A BOARD OF WAR, April 15<sup>th</sup>, 1779.

Present, Col. Pickering and M<sup>r</sup> Peters.

The Board taking into consideration the Memorial of Colonel de Knoblauch beg leave to report:

That from the circumstances of our Army it is impracticable to employ Colonel Knoblauch (altho' we believe him to be an experienced Officer) in the rank he desires.

That the sum of            be allowed Colonel Knoblauch to enable him to defray his expences to Europe, and also to reimburse what he has already incurred in his passage hither.

That Colonel Knoblauch receive the thanks of Congress for his zeal in the cause of America, and his willingness to serve in the armies of the United States; and that he be informed, that altho' Congress have a high opinion of his merit, it is impracticable to employ him in a way suitable to his wishes.<sup>2</sup>

Adjourned to 10 oClock to Morrow.<sup>3</sup>

SATURDAY, APRIL 17, 1779

A letter, of 13th, from John Pierce, assistant pay master general, was read.

*Ordered*, That it be referred to the Board of Treasury.

The delegates of South Carolina, to whom was referred the letter of the 7 March, from Major General Lincoln, brought

<sup>1</sup> This report, with different allowance, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 61, folio 457.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, III, folio 213. It is endorsed: "Referred to the Com<sup>ee</sup> to whom was referred a letter of            from Lieutenant Colonel Knoblauch."

<sup>3</sup> Charles Thomson resumed the entries at this point.

in a report, which was taken into consideration, and there-upon Congress came to the following resolution:

The delegates of South Carolina, directed to confer with Major Mead, Aid de Camp to Major General Lincoln, on the situation of affairs in South Carolina and Georgia, report:

That by the real abilities of General Lincoln and the exertions of the officer under his command, the arrangements in the Southern Army are upon the most judicious and beneficial establishment. The troops are plentifully supplied with the best provisions, beef, pork, flour, rice, &c. The General Hospital department is in the most excellent order, and the General is possessed of the full confidence of the citizens and army.

That Major General Lincoln's very great and constant exertions in his command, have irritated the wound which he had received in his leg at Saratoga (which had never been cured) to such a degree, as to threaten the most fatal consequences, if he should be continued the ensuing summer in the warm climate of South Carolina; and altho' the General does not in any manner express a desire to retire from that service, yet as he is too valuable an officer to be hazarded in such a situation, it is expedient that he have liberty to return to a more temperate climate, and that Brigadier Moultrie be promoted to the rank of Major General; Whereupon

*Resolved*, that Major General Lincoln have liberty to join the Army under the Commander in Chief, and that the thanks of Congress be given to Major General Lincoln, for his <sup>Agt</sup> Services to the public during his Command of the Southern Army.

*Resolved*, that Brigadier Moultrie be promoted to the Rank of Major General in the Armies of the United States.

<sup>Com'd Board of War</sup> And whereas it appears that considerable supplies of ammunition are necessary for the use of the Southern Army, and that the Coasts southward are now less infested by the enemy's vessels of war than they lately have been. Therefore resolved that the Board of War do with all dispatch export for South Carolina; in some proper Vessel to be provided by the Marine Committee, who are hereby directed to provide the same, military stores, of such kind and in such quantity, as are specified in the Resolves of <sup>for the service of South Carolina.</sup>

And whereas the 3000 dollars, granted to the Marquis de Brétigny to bear his expences to South Carolina, are found to be inadequate to that service, *Resolved*, that a warrant be drawn upon the Treasurer in favour of the Marquis de Brétigny for the sum of 2000 dollars for his expences to South Carolina.

Whereas it appears that Major General Lincoln is in a bad state of health, resolved that he ~~have liberty~~ be permitted if he shall judge it necessary to retire from the command of the southern army and to join the army under the Commander in Chief, when his health will permit him to do so, and that the thanks of Congress be given to General Lincoln for his services while commanding the southern army.

That application be made to the Supreme Executive council of Pennsylvania, to permit the *Revenge* to sail to South Carolina with military stores for the Continental service. Congress ~~Committed Marine Committee.~~ being willing that the Frigate *Deane*, during the absence of the *Revenge* on the said service, shall cruize according to the direction of the said council.

*Resolved*, that the Marine Committee do prepare and send out with all despatch as large a naval force as they can, to cruize down to South Carolina and Georgia, and, if practicable, that they attack the enemy in that quarter.<sup>1</sup>

Whereas it appears from the report of the committee appointed to confer with Major Mead, aid de camp to Major General Lincoln, commanding officer in the southern department, that he is in such an ill state of health as that his continuing longer in that warm climate may endanger his life:

*Resolved*, That the said Major General Lincoln be permitted to retire from the command of the southern army, and join the army under General Washington, that the public may avail itself of his services in a climate more suitable to his constitution when his health will admit of it.<sup>2</sup>

*Resolved*, That so much of the said report as relates to the promotion of brigadiers to the rank of major general, be referred to the Board of War.

<sup>1</sup> This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 19, III, folio 563. The last two paragraphs are on folio 569.

<sup>2</sup> These two paragraphs, in the writing of Samuel Adams, are in the *Papers of the Continental Congress*, No. 19, III, folio 567.

That so much of the said report as relates to the sending military stores and a naval force to South Carolina, be referred to the Marine Committee, and that they take order thereon.

*Resolved*, That the farther sum of two thousand dollars be advanced to the Marquis de Brétigny; he to be accountable.

The Board of War to whom was re-committed their report of the 12th, brought in a farther report: Whereupon,

AT A BOARD OF WAR, April 12<sup>th</sup>, 1779.

Present, Col Pickering and M<sup>r</sup> Peters.

The Board having considered the letters from his Excellency the Commander in Chief and General Green, Quarter Master General, on the subject of the Resolution of Congress of the 16<sup>th</sup> ulto. relative to the enlistment of Waggoners, presume that as General Green is best acquainted with the difficulties under which his Department labours and the means of avoiding or remedying them, and he having submitted his opinion thereon to General Washington, who has not contradicted the Quarter Master General's sentiments, the Act of Congress above mentioned will not answer the purposes intended, and therefore beg leave to report:

*Resolved*, That the Commander in Chief be authorized and directed to take such measures for enlisting a competent number of waggoners, to continue in service for nine months or during the ensuing campaign, as shall by him be deemed most efficacious and proper:

That the Quarter Master General shall from time to time, with the concurrence of the Commander in Chief, regulate the pay, clothing and subsistence of the waggoners so enlisted, in such manner as shall be best adapted to circumstances, and most conducive to the good of the service.<sup>1</sup>

That the waggoners so enlisted shall receive a sum not exceeding 40 dollars per month, and a suit of cloaths as a bounty:

<sup>1</sup> The next paragraph was reported on this recommitted paragraph.

That such regulations shall be established by the quarter master general for the conduct, mustering, and paying of the said corps of waggoners as shall be judged expedient and approved of by the Commander in Chief:

That all regulations made in virtue hereof, and the numbers of waggoners inlisted, be, from time to time, returned and reported by the quarter master general to the Board of War.

*Resolved*, That the act of Congress of the 16 March, on the subject of inlisting waggoners, be, and the same is hereby repealed.<sup>1</sup>

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Viscount Laumagne, for seven thousand three hundred and twenty dollars, in discharge of a bill drawn upon the President of Congress by John Pierce, assistant paymaster general, dated the 13 instant, for that sum specified to be received by him from Viscount Laumagne, for the public service of the United States, to be charged to the paymaster general, and for which he is to be accountable.<sup>2</sup>

The following motion was made by the delegates of the State of Rhode Island:

Whereas the delegates of the State of Rhode Island and Providence plantations have in pursuance of a direction from said State represented to Congress that the legislature thereof, "taking into consideration its deplorable situation; that the army of the enemy upon Rhode Island consists of six thousand men, well provided with every necessary for an army; That to defend said State against this great force, there are in it not more than two thousand continental troops, and a

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, III, folio 201.

<sup>2</sup> At this point George Bond began the entries. This paragraph formed part of a report dated April 16, which is in the *Papers of the Continental Congress*, No. 136, III, folio 255.

brigade raised by the State the last year, the time of whose enlistment would expire on the sixteenth of March last; That said State was without aid from the states of New Hampshire, Massachusetts Bay and Connecticut; and that calling out the militia for the defence thereof would be fruitless, expensive and pernicious," found it absolutely necessary to endeavour to raise a brigade of fifteen hundred men, officers included, for one year, for the common defence of that and the United States, and have accordingly offered a bounty of forty five pounds, the same cloathing allowed continental troops and an addition of six pounds per month to their wages for their better subsistance;

And whereas the said delegates have further represented that from the exhausted state of its finances, occasioned by the destruction of its commerce, and the enemy having been long in possession of a very valuable part of said State, it is utterly unable to pay the bounty, wages, cloathing and subsistence of said brigade, and have requested that the same should be furnished and defrayed by the Continent:

*Resolved*, That Congress approve the raising of a brigade of 1500 men by the state of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, upon the conditions set forth in said representation; and that the bounty, pay, cloathing and subsistence of said brigade, shall be supplied and furnished at continental expence.

A motion was made by Mr. [Gouverneur] Morris, seconded by Mr. [John] Henry, that the same be committed.

Question put, passed in the negative.

A motion was then made by Mr. [Gouverneur] Morris, seconded by Mr. [John] Henry, that the consideration thereof be postponed.

After debate, it was moved by Mr. [Gouverneur] Morris, and seconded by Mr. [Meriwether] Smith, to add to the

motion for postponing, the following words, "until the sense of the Commander in Chief can be had thereon."

On which the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Whipple,	no } no	Mr. Vandyke,	no } no
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no }	Mr. Plater,	ay }
Lovell,	no } no	Carmichael,	no } div.
Holten,	no }		
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery,	no }	Mr. M. Smith,	ay }
Collins,	no }	R. H. Lee,	no }
<i>Connecticut,</i>		Griffin,	no }
Mr. Spencer,	no } *	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Penn,	ay }
Mr. Jay,	ay }	Burke,	no }
Morris,	ay }	Sharpe,	no }
<i>New Jersey,</i>		<i>South Carolina,</i>	
Mr. Witherspoon	no }	Mr. Laurens,	no }
Fell,	div.	Drayton,	no }
<i>Pennsylvania,</i>			
Mr. Shippen,	no }		
Muhlenberg,	no }		

So it passed in the negative.

On the question for postponing, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple,	no } no	Mr. Spencer,	no } *
<i>Massachusetts Bay,</i>		<i>New York,</i>	
Mr. S. Adams,	no }	Mr. Jay,	ay }
Lovell,	no } no	Morris,	ay }
Holten,	no }		
<i>Rhode Island,</i>		<i>New Jersey,</i>	
Mr. Ellery,	no }	Mr. Witherspoon,	no }
Collins,	no }	Fell,	div.

<i>Pennsylvania,</i>		<i>Virginia,</i>	
Mr. Shippen, Muhlenberg,	no } no	Mr. M. Smith, R. H. Lee,	ay } ay
<i>Delaware,</i>		Griffin, Nelson,	ay
Mr. Vandyke,	no } no	<i>North Carolina,</i>	
<i>Maryland,</i>		Mr. Penn, Burke, Sharpe,	ay } no
Mr. Plater, Carmichael, Henry,	ay } ay ay }	<i>South Carolina,</i>	no } no
		Mr. Laurens, Drayton,	

So it passed in the negative.

A motion was made by Mr. [Thomas] Burke, and seconded by Mr. S[amuel] Adams, to strike out the words, "upon the Conditions set forth in the said representation, and that the bounty, pay, cloathing and subsistence of the said brigade shall be supplied and furnished at continental expence;" and in lieu thereof to insert, "to be entitled to continental pay, cloathing and subsistence, and a bounty not exceeding 200 dollars for every non-commissioned officer and soldier."<sup>1</sup>

When the question was about to be put, "shall the words moved to be struck out stand,"

The determination thereof was postponed by the State of New York.

Adjourned to 10 oClock on Monday.

#### MONDAY, APRIL 19, 1779

A memorial from sundry inhabitants of the island of Bermuda was read:<sup>2</sup>

*Ordered,* That it be referred to a committee of three:

<sup>1</sup> This amendment, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 20, II, folio 69. Thomson has written "Burke" at the top of the sheet.

<sup>2</sup> This memorial, dated March 28, is in the *Papers of the Continental Congress*, No. 41, I, folio 176.

The members chosen, Mr. [William] Ellery, Mr. [John] Fell and Mr. [Henry] Laurens, who are directed to report with all convenient speed.

A letter, of 15, from N. Greene, Q. M. G. and a memorial from American officers, prisoners on Long Island, were read:

*Ordered*, That they be referred to the Board of War.

A memorial from Gideon Olmstead and Artemas White, in behalf of themselves and others, claimants of the sloop *Active*, was read:

*Ordered*, That Wednesday next be assigned for taking into consideration the report of the committee of Conference, relative to the sloop *Active*.

A letter, of 15, from General Washington, was read.

A memorial of Samuel Rogers was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [William] Whipple, Mr. [Samuel] Holten and Mr. [John] Collins.

A letter, of 16, from Captain Stoddert, was read, desiring leave to resign his commission:

*Resolved*, That his resignation be accepted.

A memorial from the Chevalier Sureau Duvivier, was read,<sup>2</sup> representing that he had been nominated by the general assembly of North Carolina, major of a French regiment proposed to be raised in that State and commanded by Colonel Chariol: that the impossibility of procuring men to enlist induced the said assembly to dissolve the regiment: that the governor, well satisfied with his conduct, gave him a recommendation to the honorable Congress to be employed as major in the continental army: that having expended his

<sup>1</sup> This prisoners' memorial is in the *Papers of the Continental Congress*, No. 41, VII, folio 243; that of Olmstead, in the same volume, folio 247; the letter of Washington, in No. 152, VII, folio 255; and the memorial of Samuel Rogers, in No. 41, VIII, folio 264.

<sup>2</sup> The letter of Stoddert is in the *Papers of the Continental Congress*, No. 78, XXI, folio 39; the memorial of Duvivier, in No. 41, X, folio 301.

money he returned to Guadaloupe for a fresh supply, and is now returned, and praying that he be continued a major in the continental army, or have an allowance for his expences, and a brevet of lieutenant colonel:

On motion by Mr. [Gouverneur] Morris, seconded by Mr. [Thomas] Burke,

*Resolved*, That the Chevalier Sureau Duvivier be informed that Congress cannot agree to his request.

A letter, of 2, from Major General Schuyler, was read, renewing his request for leave to resign:<sup>1</sup>

On motion by Mr. S[amuel] Adams, seconded by Mr. [John] Witherspoon,

*Resolved*, That his request be complied with.

A letter, of 8th, from General Schuyler, was read:

*Ordered*, That so much thereof as relates to money be referred to the Board of Treasury.

That so much as relates to supplies for the Indians be referred to the Board of War, who are to take order thereon.

A letter, of 17, from S. Deane, was read:<sup>2</sup>

*Ordered*, To lie on the table until the report of the Committee on Foreign Affairs, which is the order of the day, be taken into consideration.

A letter, of 15, from the Board of War, was read; Whereupon,

*Resolved*, That whensoever a colonel in the army of the United States, shall command a brigade of the troops of these states in the absence of a brigadier, he shall be permitted to draw six rations in addition to the one he draws as colonel, in consideration of the extra expence he is subjected to by such command.<sup>3</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 159, III, folio 490.

<sup>2</sup> This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 118.

<sup>3</sup> This report, dated April 15 (present, Pickering and Peters), is in the *Papers of the Continental Congress*, No. 147, III, folio 206.

The Committee on the Treasury brought in a report;  
Whereupon,

*Ordered*, That a warrant issue on the treasurer, in favour of Mr. [John] Penn, a delegate from the State of North Carolina, on his application, for three thousand dollars; the said State to be accountable.<sup>1</sup>

That a warrant issue on the treasurer, in favour of Benjamin Armitage, for one thousand dollars advanced on his application, to enable him to support his expences as superintendent of the mills for making of paper for bills of credit, exchange and loan office certificates; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of William Hoskins, for nine hundred and eighteen dollars, in full of his account for pay as clerk to the comptroller.

That a warrant issue on the treasurer, in favour of John Beatty, Esq. commissary general of prisoners, for fifty thousand dollars in specie, for the use of his department; he to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carlton, paymaster to the Board of War and Ordnance, for one million of dollars, to pay for cloathing purchased, and ordered to be purchased by the said Board for the army; and for which that Board is to be accountable.<sup>2</sup>

*Resolved*, That a warrant issue on the treasurer, in favour of Thomas Edison and George Bond, for eight hundred dollars each, and of Joshua Coit for five hundred dollars, for extra expences.<sup>3</sup>

The Committee on the Treasury report,

That a warrant issue on the treasurer, in favour of Colonel Benjamin Flower, commissary general of military stores, for

<sup>1</sup> See note under April 16, p. 481, *ante*.

<sup>2</sup> This report, dated April 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 258.

<sup>3</sup> This report, dated April 16, is in the *Papers of the Continental Congress*, No. 136, III, folio 249.

one million of dollars, to be advanced to him on the recommendation of the Board of War, for the use of his department, for which he is to be accountable.<sup>1</sup>

A motion was made by Mr. [Elbridge] Gerry and seconded by Mr. [William] Carmichael, to strike out the words "one million", and in lieu thereof to insert "five hundred thousand." The question being put, Shall the words one million stand, passed in the negative.

On the question to insert five hundred thousand, the yeas and nays being required by Mr. [Henry] Laurens,

<i>New Hampshire,</i>		<i>Maryland,</i>
Mr. Whipple,	ay } ay	Mr. Plater,
<i>Massachusetts Bay,</i>		Paca,
Mr. S. Adams,	ay }	Henry,
Gerry,	ay } ay	Mr. T. Adams,
Holten,	ay }	Smith,
<i>Rhode Island,</i>		Griffin,
Mr. Ellery,	no }	Nelson,
Collins,	div.	
<i>Connecticut,</i>		<i>North Carolina,</i>
Mr. Spencer.	ay } *	Mr. Penn,
<i>New York,</i>		Burke,
Mr. Jay,	ay }	Sharpe,
Morris,	no }	Mr. Laurens,
Floyd,	ay }	Drayton,
Lewis,	ay }	
<i>New Jersey,</i>		
Mr. Fell,	no } *	
<i>Pennsylvania,</i>		
Mr. Armstrong,	no }	
Shippen,	no }	
Atlee,	ay }	
Searle,	ay }	
Muhlenberg,	ay }	

So it was resolved in the affirmative.

<sup>1</sup> See note under April 16, p. 461, ante.

On the question to agree to the report as amended,  
Resolved in the affirmative.

Another report from the Board of Treasury was read, relative to bills of exchange drawn by British officers, which were delivered to Mr. Boudinot and sent to New York to be negotiated.

*Ordered*, That it be re-committed.

The determination of the question which was on Saturday postponed in right of a State, was called for:

On motion of Mr. Gouverneur Morris, seconded by Mr. S[amuel] Adams,

*Resolved*, That when a question is postponed in right of a State, it shall be put at the next meeting of the House immediately after going through the public despatches, without debate, provided such meeting shall not be on the same day.

The question being put, shall the words moved to be struck out stand, passed in the negative.

A motion was made to amend the amendment proposed to be inserted, by striking out the words "200."

Question put, shall these words stand, passed in the negative.

On motion of Mr. S[amuel] Adams, seconded by Mr. [William] Whipple, to insert "150 dollars;" the yeas and nays being required by Mr. [Gouverneur] Morris,

<i>New Hampshire</i> ,		<i>Connecticut</i> ,	
Mr. Whipple,	ay } ay	Mr. Spencer,	ay } *
<i>Massachusetts Bay</i> ,		<i>New York</i> ,	
Mr. S. Adams,	ay	Mr. Jay,	no
Gerry,	no	Duane,	no
Lovell,	ay } ay	G. Morris,	no } no
Holten,	ay	Lewis,	no
<i>Rhode Island</i> ,		<i>New Jersey</i> ,	
Mr. Ellery,	ay } ay	Mr. Witherspoon,	ay } div.
Collins,		Fell,	no

*Pennsylvania,*

Mr. Armstrong,  
Atlee,  
Searle,  
Muhlenberg,

no  
no  
ay  
no

*Maryland,*

Mr. Plater,  
Carmichael,

no  
no

*Virginia,*

Mr. T. Adams,  
M. Smith,  
Griffin,  
Nelson,

ay  
no  
no  
ay

*North Carolina,*

Mr. Burke,  
Sharpe,

ay  
ay

*South Carolina,*

Mr. Laurens,

ay  
ay

So it was resolved in the affirmative.

On the question to agree to the amendment as amended:

Resolved in the affirmative.

A motion was then made by Mr. [Gouverneur] Morris, and seconded by Mr. [Meriwether] Smith, to amend the main question farther, by striking out the words, "that Congress approve the raising of a brigade of 1500 men by the State of Rhode Island and Providence Plantations," and in lieu thereof, to insert, "that the men who may be raised by the State of Rhode Island, in addition to their quota of continental troops, to serve."

On the question, shall the words moved to be struck out, stand, the yeas and nays being required by Mr. [Gouverneur] Morris,

*New Hampshire,*

Mr. Whipple,

ay ; ay

*New York,*

Mr. Jay,

no

*Massachusetts Bay,*

Mr. S. Adams,

ay

*Duane,*

no

Gerry,

ay

*Morris,*

no

Lovell,

ay

*Lewis,*

no

Holten,

ay

*New Jersey,*

no

*Rhode Island,*

Mr. Ellery,

ay

*Witherspoon,*

no

Collins,

ay

*Fell,*

no

*Connecticut,*

Mr. Spencer,

ay ; \*

*Pennsylvania,*

ay

Mr. Armstrong,

ay

*Atlee,*

no

*Searle,*

ay

*Muhlenberg,*

no

*div.*

<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater, Carmichael,	ay } div. no }	Mr. Burke, Sharpe,	ay } ay
<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. T. Adams, Smith, Griffin, Nelson,	no } no } no no }	Mr. Laurens,	ay } ay

So it was resolved in the affirmative.

Another amendment was moved by Mr. Gouverneur Morris, seconded by Mr. [James] Duane, to add to the main question as amended, the following words:

"Upon condition that no farther or other wages be allowed to the said men by the said State than what is paid to other the continental troops."<sup>1</sup>

After debate,

Adjourned to 10 oClock to Morrow.

#### TUESDAY, APRIL 20, 1779

A letter, of 30th March, from G. Clinton, governor of New York, was read;<sup>2</sup> Whereupon,

A motion was made by Mr. [Gouverneur] Morris, and seconded by Mr. [James] Duane. After debate,

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [William] Paca, and Mr. [Meriwether] Smith.

A letter, of 20, from George Ewing, commissary of hides, was read, resigning his office:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

<sup>1</sup> This amendment, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 20, II, folio 68.

<sup>2</sup> The letter of Clinton is in the *Papers of the Continental Congress*, No. 67, II, folio 178.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 315.

A motion was made by Mr. [William Henry] Drayton, seconded by Mr. [Gouverneur] Morris, that the House proceed to the order of the day upon the report of the committee of 13 upon foreign affairs:

And upon the question, the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Maryland,</i>
Mr. Whipple,	no } no	Mr. Plater,
<i>Massachusetts Bay,</i>		Paca,
Mr. S. Adams,	no   ay	Carmichael,
Gerry,	ay	
Lovell,	ay   ay	
Holten,	ay	
<i>Rhode Island,</i>		<i>Virginia,</i>
Mr. Ellery,	no } no	Mr. T. Adams,
Collins,	no	Smith,
<i>Connecticut,</i>		R. H. Lee,
Mr. Spencer,	no } *	Griffin,
<i>New York,</i>		Nelson,
Mr. Jay,	ay	
Duane,	ay	<i>North Carolina,</i>
Morris,	ay   ay	Mr. Penn,
Floyd,	ay	Hill,
Lewis,	ay	Burke,
<i>New Jersey,</i>		Sharpe,
Mr. Fell,	ay } *	
<i>Pennsylvania,</i>		<i>South Carolina,</i>
Mr. Armstrong,	ay	Mr. Laurens,
Shippen,	ay	Drayton,
Atlee,	ay	
Searle,	ay   ay	
Muhlenberg,	ay	
Wyncoop,	ay	

So it was resolved in the affirmative.

Thereupon Congress resumed the consideration of the amendment moved on the fourth article of the report; and

on the question, shall the words "which may be," stand part of the report,

The yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple,	no } no	Mr. Plater,	no }
<i>Massachusetts Bay,</i>		Paca,	no }
Mr. S. Adams,	no }	Carmichael,	no }
Gerry,	no }	<i>Virginia,</i>	
Lovell,	no }	Mr. T. Adams,	no }
Holten,	no }	Smith,	no }
<i>Rhode Island,</i>		R. H. Lee,	no }
Mr. Ellery,	ay }	Griffin,	no }
Collins,	div.	Nelson,	no }
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Spencer,	ay } *	Mr. Penn,	no }
<i>New York,</i>		Hill,	no }
Mr. Jay,	no }	Burke,	no }
Duane,	no }	Sharpe,	no }
Morris,	no }	<i>South Carolina,</i>	
Floyd,	no }	Mr. Laurens,	no }
Lewis,	no }	Drayton,	no }
<i>New Jersey,</i>			
Mr. Fell,	no } *		
<i>Pennsylvania,</i>			
Mr. Armstrong,	no }		
Shippen,	no }		
Atlee,	no }		
Searle,	no }		
Muhlenberg,	no }		
Wynkoop,	no }		

So it passed in the negative, and the words were struck out.

A division was then called for by Mr. [Elbridge] Gerry, and that the first question be to agree to the first part of the 4th article, viz. "that suspicions and animosities have arisen among the said commissioners."

A motion was made by Mr. [James] Duane, seconded by Mr. [Elbridge] Gerry, to amend the clause by striking out

the word "said;" and in lieu thereof inserting "late and present."

On the question put, resolved in the affirmative.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Frederick A.] Muhlenberg, before the words "late and present," to insert "some of."

On the question put, the states were equally divided, and the amendment lost.

A motion was made by Mr. R[ichard] H[enry] Lee, seconded by Mr. [William] Ellery, that the consideration of the 4th article be postponed until the 5th article is considered and determined on:

Question put, the states were equally divided.

A motion was made by Mr. [James] Duane, seconded by Mr. [Gouverneur] Morris, to add the names of the commissioners, taking the sense of the House on each name to be added:

On the question, shall the names be added, resolved in the affirmative.

On the question, shall Dr. B. Franklin's name be inserted, resolved in the affirmative.

On the question, shall Mr. Silas Deane's name be added,

The yeas and nays being required by Mr. [Meriwether] Smith,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple,	ay } ay	Mr. Spencer,	ay } *
<i>Maseachusetts Bay,</i>		<i>New York,</i>	
Mr. S. Adams,	ay }	Mr. Jay,	ay
Gerry,	ay } ay	Duane,	ay
Lovell,	ay }	Morris,	ay } ay
Holten,	ay }	Floyd,	ay
<i>Rhode Island,</i>		Lewis,	ay }
Mr. Ellery,	no }		
Collins,	no }		

<i>Pennsylvania,</i>		<i>Virginia,</i>	
Mr. Armstrong,	ay	Mr. T. Adams,	ay
Shippen,	ay	Smith,	ay
Atlee,	ay	R. H. Lee,	ay
Searle,	no	Griffin,	ay
Muhlenberg,	ay	Nelson,	ay
Wynkoop,	ay		
<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater,	ay	Mr. Penn,	ay
Paca,	ay	Hill,	ay
Carmichael,	ay	Burke,	ay
		Sharpe,	ay
		<i>South Carolina,</i>	
		Mr. Laurens,	ay
		Drayton,	ay

So it was resolved in the affirmative.

On the question, shall Mr. Arthur Lee's name be added,  
The yeas and nays being required by Mr. [Meriwether] Smith,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple,	ay } ay	Mr. Armstrong,	ay
<i>Massachusetts Bay,</i>		Shippen,	ay
Mr. S. Adams,	ay	Atlee,	ay
Gerry,	ay	Searle,	no
Lovell,	ay	Muhlenberg,	ay
Holten,	ay	Wynkoop,	ay
<i>Rhode Island,</i>		<i>Maryland,</i>	
Mr. Ellery,	no	Mr. Plater,	ay
Collins,	div.	Paca,	ay
<i>Connecticut,</i>		Carmichael,	ay
Mr. Spencer,	ay } *	<i>Virginia,</i>	
<i>New York,</i>		Mr. T. Adams,	ay
Mr. Jay,	ay	Smith,	ay
Duane,	ay	R. H. Lee,	ay
Morris,	ay	Griffin,	ay
Floyd,	ay	Nelson,	ay

*North Carolina,*

Mr. Penn,	ay
Hill,	ay
Burke,	ay
Sharpe,	ay

*South Carolina,*

Mr. Laurens,	ay
Drayton,	ay

So it was resolved in the affirmative.

On the question, shall Mr. Ralph Izard's name be added,  
The yeas and nays being required by Mr. [Meriwether] Smith,

*New Hampshire,*

Mr. Whipple,	ay
	ay

*Massachusetts Bay,*

Mr. S. Adams,	ay
Gerry,	ay
Lovell,	ay
Holten,	ay

*Rhode Island,*

Mr. Ellery,	no
Collins,	div.
	ay

*Connecticut,*

Mr. Spencer,	ay
	*

*New York,*

Mr. Jay,	ay
Duane,	ay
Morris,	ay
Floyd,	ay

*Pennsylvania,*

Mr. Armstrong,	ay
Shippen,	ay
Atlee,	ay
Searle,	no
Muhlenberg,	ay
Wynkoop,	ay

*Maryland,*

Mr. Plater,	ay
Paca,	ay

*Virginia,*

Carmichael,	ay
Mr. T. Adams,	ay

*North Carolina,*

Smith,	ay
R. H. Lee,	ay

*South Carolina,*

Griffin,	ay
Nelson,	ay

*North Carolina,*

Mr. Penn,	ay
Hill,	ay

*South Carolina,*

Burke,	ay
Sharpe,	ay

*Mr. Laurens,*

Drayton,	ay
	ay

So it was resolved in the affirmative.

On the question, shall Mr. William Lee's name be added,  
The yeas and nays being required by Mr. [Meriwether] Smith,

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple,	ay } ay	Mr. Plater,	ay }
<i>Massachusetts Bay,</i>		Paca,	ay }
Mr. S. Adams,	ay }	Carmichael,	ay }
Gerry,	ay } ay	<i>Virginia,</i>	
Lovell,	ay }	Mr. T. Adams,	ay }
Holten,	ay }	Smith,	ay }
<i>Rhode Island,</i>		R. H. Lee,	ay } ay
Mr. Ellery,	no } div.	Griffin,	ay }
Collins,	ay }	Nelson,	ay }
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Spencer,	ay } *	Mr. Penn,	ay }
<i>New York,</i>		Hill,	ay }
Mr. Jay,	ay }	Burke,	ay }
Duane,	ay }	Sharpe,	ay }
Morris,	ay }	<i>South Carolina,</i>	
Floyd,	ay }	Mr. Laurens,	ay }
<i>Pennsylvania,</i>		Drayton,	ay }
Mr. Armstrong,	ay }		
Shippen,	ay }		
Atlee,	ay }		
Searle,	no } ay		
Muhlenberg,	ay }		
Wynkoop,	ay }		

So it was resolved in the affirmative.

On the question, shall Mr. John Adams's name be added,  
The yeas and nays being required by Mr. [Meriwether] Smith,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Whipple,	ay } ay	Mr. Spencer,	ay } *
<i>Massachusetts Bay,</i>		<i>New York,</i>	
Mr. S. Adams,	ay }	Mr. Jay,	no }
Gerry,	no } div.	Duane,	no }
Lovell	ay }	Morris,	no }
Holten,	no }	Floyd,	no }
<i>Rhode Island,</i>			
Mr. Ellery,	no } div.		
Collins,	ay }		

<i>Pennsylvania,</i>		<i>Virginia,</i>	
Mr. Armstrong,	ay	Mr. T. Adams,	ay
Shippen,	ay	Smith,	ay
Atlee,	no	R. H. Lee	ay
Searle,	no	Griffin,	no
Muhlenberg,	no	Nelson,	no
Wynkoop,	no	<i>North Carolina,</i>	
<i>Maryland,</i>		Mr. Penn,	no
Mr. Plater,	ay	Hill,	ay
Paca,	ay	Burke,	no
Carmichael,	ay	Sharpe,	no
		<i>South Carolina,</i>	
		Mr. Laurens,	no
		Drayton,	no

So it passed in the negative.

The first clause being amended so as to read,

That suspicions and animosities have arisen among the late and present commissioners, namely, Dr. Benjamin Franklin, Mr. Silas Deane, Mr. Arthur Lee, Mr. Ralph Izard, and Mr. William Lee; and the question being ready to be put, the previous question was moved by Mr. Samuel Adams and seconded by Mr. [James] Lovell,

That the question be not now put; on which the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Whipple,	ay } ay	Mr. Jay,	no
<i>Massachusetts Bay,</i>		Duane,	no
Mr. S. Adams,	ay	Morris,	no
Gerry,	no	Floyd,	no
Lovell,	ay } div.	<i>Pennsylvania,</i>	
Holten,	no	Mr. Armstrong,	ay
<i>Rhode Island,</i>		Shippen,	ay
Mr. Ellery,	ay } div.	Atlee,	no
Collins,	no	Searle,	ay
<i>Connecticut,</i>		Muhlenberg,	ay
Mr. Spencer,	ay } *	Wynkoop,	no

<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater,	no	Mr. Penn,	no
Paca,	no } no	Hill,	no
Carmichael,	no	Burke,	no } no
<i>Virginia,</i>		Sharpe,	no
Mr. T. Adams,	no	<i>South Carolina,</i>	
Smith,	no	Mr. Laurens,	ay } div.
R. H. Lee,	ay } ay	Drayton,	no
Griffin,	no		
Nelson,	no		

So it passed in the negative.

The question being then put to agree to the first clause as amended, and the yeas and nays [being] required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple,	no } no	Mr. Plater,	ay }
<i>Massachusetts Bay,</i>		Paca,	ay } ay
Mr. S. Adams,	ay }	Carmichael,	ay
Gerry,	ay } ay	<i>Virginia,</i>	
Lovell,	ay }	Mr. T. Adams,	ay
Holten,	ay }	Smith,	ay
<i>Rhode Island,</i>		R. H. Lee,	ay } ay
Mr. Ellery,	ay }	Griffin,	ay
Collins,	ay }	Nelson,	ay
<i>Connecticut,</i>		<i>North Carolina,</i>	
Mr. Spencer,	ay } *	Mr. Penn,	ay }
<i>New York,</i>		Hill,	ay }
Mr. Jay,	ay }	Burke,	ay }
Duane,	ay }	Sharpe,	ay }
Morris,	ay }	<i>South Carolina,</i>	
Floyd,	ay }	Mr. Laurens,	ay }
<i>Pennsylvania,</i>		Drayton,	ay }
Mr. Armstrong,	no }		
Shippen,	ay }		
Atlee,	ay }		
Searle,	ay }		
Muhlenberg,	ay }		
Wynkoop,	ay }		

So it was resolved in the affirmative.

The question was then put, to agree to the second clause, on which the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple,	no } no	Mr. Plater,	ay }
<i>Massachusetts Bay,</i>		Paca,	ay }
Mr. S. Adams,	no }	Carmichael,	ay }
Gerry,	ay }	<i>Virginia,</i>	
Lovell,	no }	Mr. T. Adams,	ay }
Holten,	ay }	M. Smith,	ay }
<i>Rhode Island,</i>		R. H. Lee,	no }
Mr. Ellery,	no }	Griffin,	ay }
Collins,	ay }	Nelson,	ay }
<i>New York,</i>		<i>North Carolina,</i>	
Mr. Jay,	ay }	Mr. Penn,	ay }
Duane,	ay }	Hill,	ay }
Morris,	ay }	Burke,	ay }
Floyd,	ay }	Sharpe,	ay }
<i>Pennsylvania,</i>		<i>South Carolina,</i>	
Mr. Armstrong,	no }	Mr. Laurens,	no }
Shippen,	no }	Drayton,	ay }
Atlee,	ay }		div.
Searle,	no }		
Muhlenberg,	no }		
Wynkoop,	ay }		

So it was *Resolved*, That suspicions and animosities have arisen among the late and present commissioners, namely, Dr. Benjamin Franklin, Mr. Silas Deane, Mr. Arthur Lee, Mr. Ralph Izard, and Mr. William Lee, highly prejudicial to the honor and interest of these United States.

Adjourned to 10 oClock to Morrow.

#### WEDNESDAY, APRIL 21, 1779

A letter, of this day, from T. Paine, was read.

A letter, of 20th, from J. Trumbull jun. was read:

*Ordered*, That it be referred to the Board of Treasury.

A memorial from Edmund Custis was read,<sup>1</sup> relative to a vessel [sloop *Kitty*] said to be captured by a French privateer:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Meriwether] Smith, Mr. [Gouverneur] Morris and Mr. [William] Paca.

A letter, of 20, from W[illiam] McKissack was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

On motion of Mr. [James] Duane, seconded by Mr. S[amuel] Adams, Congress came to the following resolution:

*Resolved* that the said motion and order was made and passed upon a representation that the business of the Treasury required his constant attendance in that Department: two other members of the Committee on the Treasury being also of the Committee on Foreign Affairs.<sup>3</sup>

Mr. [Elbridge] Gerry having applied to have an explanation of the order of Congress of the 17th of March on a motion for adding a member to the Committee on Foreign Affairs in his room:

*Resolved*, That the member who made the said motion, assigned as a reason in support of it that Mr. Gerry's necessary attention to the affairs of the treasury would not admit of his attending the Committee on Foreign Affairs; and that the order for postponing the consideration of that motion till Mr. [Elbridge] Gerry should come in was passed with a view that Congress might have information on the subject from Mr. [Elbridge] Gerry.<sup>4</sup>

A motion was made by Mr. R[ichard] H[enry] Lee, seconded by Mr. [William] Carmichael that the doors of Congress being open, &c:

<sup>1</sup> The letter of Paine is in the *Papers of the Continental Congress*, No. 55, folio 51; the memorial of Custis is in No. 41, II, folio 73.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 41, VI, folio 129.

<sup>3</sup> These two paragraphs, in the writing of James Duane, are in the *Papers of the Continental Congress*, No. 36, I, folio 20.

<sup>4</sup> This explanation, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 36, I, folio 19.

*Ordered,* That it be referred to a committee of five;  
 The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Henry] Laurens, Mr. [William] Ellery, Mr. S[amuel] Adams, and Mr. [James] Lovell.

A motion was made by Mr. [William Henry] Drayton, seconded by Mr. [Meriwether] Smith,

That the House do proceed in the order of the day upon the report of the committee of 13 upon foreign affairs.

On which the yeas and nays being required, by Mr. [John] Penn,

<i>New Hampshire,</i>		<i>Maryland,</i>	
Mr. Whipple,	no } no	Mr. Plater,	ay
<i>Massachusetts Bay,</i>		Paca,	ay
Mr. S. Adams,	ay   ay	Carmichael,	ay }
Gerry,	ay		
Lovell,	ay   ay		
Holten,	ay		
<i>Rhode Island,</i>			
Mr. Ellery,	no } no	Mr. T. Adams,	ay
Collins,	no	Smith,	ay
<i>New York,</i>		R. H. Lee,	ay   ay
Mr. Jay,	ay	Griffin,	ay
Duane,	ay   ay	Nelson,	ay
Floyd,	ay		
Lewis,	ay		
<i>New Jersey,</i>			
Mr. Fell,	ay } *	North Carolina,	
<i>Pennsylvania,</i>		Mr. Penn,	no
Mr. Armstrong,	ay	Burke,	ay
Shippen,	ay	Sharpe,	ay
Atlee,	ay		
Searle,	ay   ay		
Muhlenberg,	ay		
Wynkoop,	ay		
		<i>South Carolina,</i>	
		Mr. Laurens,	ay
		Drayton,	ay   ay

Thereupon Congress proceeded to consider the fifth article of the report.

On motion of Mr. [William] Ellery, and seconded by Mr. [John] Henry,

*Resolved*, That the names of the ministers therein referred to be repeated, and the question taken on each individually.  
Adjourned to 10 oClock to Morrow.

THURSDAY, APRIL 22, 1779

A letter, of this day, from N. Greene, Q. M. G. was read:

*Ordered*, That it be referred to the committee appointed to superintend the quarter masters and commissary's department.

*Resolved*, That a member be appointed on that committee in the room of Mr. F[rancis] L[sightfoot] Lee, who is returned home.

The member chosen, Mr. [John] Armstrong.

A letter from Brigadier Muhlenberg, and

A petition from Colonel [Philip] Van Cortlandt and Colonel [Peter] Gansevoort, were read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

A letter from J. Trumbull, Jun. was read, inclosing his resignation of the office of Comptroller:

*Ordered*, That the letter be referred to the Board of Treasury.

A motion was made by Mr. [William Henry] Drayton seconded by Mr. [Meriwether] Smith, that Congress proceed in the order of the day upon the report of the committee upon foreign affairs. The motion being objected to as being out of order, the sense of the House was taken, whether a motion to proceed to the order of the day is regular and in order before the reports of the Boards of Treasury and War shall

<sup>1</sup> Muhlenberg's letter is in the *Papers of the Continental Congress*, No. 163, folio 510; the petition of Van Cortlandt, dated the 9th, in No. 42, VIII, folio 39.

have been either dispatched or postponed. On which the yeas and nays being required by Mr. [Henry] Laurens:

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Whipple,	no } no	Mr. Armstrong,	no }
<i>Massachusetts Bay,</i>		Shippen,	no }
Mr. S. Adams,	no }	Atlee,	no }
Gerry,	no }	Muhlenberg,	no }
Lovell,	no }	Wyncoop,	ay }
Holten,	no }		
<i>Rhode Island,</i>		<i>Maryland,</i>	
Mr. Ellery,	no }	Mr. Plater,	ay }
Collins,	no }	Carmichael,	no }
<i>Connecticut,</i>		Henry,	no }
Mr. Spencer,	no } *		
<i>New York,</i>		<i>Virginia,</i>	
Mr. Jay,	ay }	Mr. T. Adams,	no }
Duane,	no }	Smith,	ay }
Floyd,	ay }	R. H. Lee,	no }
Lewis,	ay }		
<i>New Jersey,</i>		<i>North Carolina,</i>	
Mr. Fell,	ay } *	Mr. Burke,	ay }
		Sharpe,	no }
			div.
		<i>South Carolina,</i>	
		Mr. Laurens,	no }
		Drayton,	ay }
			div.

So it passed in the negative.

The Committee on the Treasury reported, that, according to the order of the House, they have had the reports of the Board relative to finance printed for the use of the members; and that, in the opinion of the Board, the public business cannot be conducted under the present arrangement of the treasury, and that it is necessary the reports now submitted be taken into consideration as soon as possible.<sup>1</sup>

<sup>1</sup> On April 13 (p. 444, *ante*), Congress directed that certain reports of the Committee on the Treasury should be printed. A copy of this printed piece is in the Library Company of Philadelphia. It contains seven reports, only one of which—the second—carries any date. The first paper is the "Ordinance for establishing a Board of Treasury, and the proper officers for managing the Finances of these United States." This is printed in almost the same terms as the report under July 30, 1779, where any variations between the report and the accepted ordinance are noted. The other six reports of the Board are inserted in this place. No one of them has been found in manuscript form in the *Papers of the Continental Congress*. See under April 27, *post*.

(No. II.)

**TREASURY OFFICE, March 31, 1779.**

*Resolved*, That in the opinion of this Committee, it will be impracticable to carry on the war by paper emissions, at the present enormous expences of the Commissary General and Quarter Master General's Departments.

*Resolved*, That it appears to this Committee that a general opinion prevails that one cause of the alarming expences in these Departments, arises from allowing commissions to the numerous persons employed in purchasing for the Army; and that a very general dissatisfaction has taken place on that account, among the citizens of these United States.

*Resolved*, That in the opinion of this Committee it is necessary to put the said Departments on a different footing, with respect to the expenditure of public money.

*Resolved*, That in the opinion of this Committee, it will be adviseable to recommend it to the several States to take effectual measures for drawing into the Military Magazines such provisions as can be spared in each respective State, and to provide for the Army such carriages and teams as may be requested by the Commander in Chief, commanding officer of any detachment, or Quarter Master General.

(No. III.)

Whereas it is indispensably necessary, that the greatest economy should be introduced in the public expenditures:

*Resolved*, That a Committee be appointed to make strict enquiry into the establishments and contingent expences of the respective Boards and Departments, and to consider and report the retrenchments and reformations which shall appear to be practicable and expedient: And that they have power to call for returns from the officers; and for information from the Officers of any Department, and to confer thereupon with the Commander in Chief.<sup>1</sup>

(No. IV.)

Whereas the expence of the present just and necessary war has hitherto been defrayed chiefly on the public credit; and so much paper money has been, from time to time emitted, that the quantity greatly exceeds what is proper for a medium of commerce, whereby its value is progressively declining; And whereas the honor and safety

<sup>1</sup> See under May 28, p. 661, post.

of these United States not only forbid further emissions but require that the quantity now in circulation should be considerably reduced, as it is this alone which can restore the paper money to its just credit, and to confidence equal to the undoubted security on which it ultimately rests; And whereas, so salutary a measure most evidently tends to the private interest and advantage of every individual possessed of paper money: And whereas the citizens of these United States, preferring the advantages of Traffic, have not discovered a sufficient promptitude to place their money in the public Funds, so as to enable Congress to support the war by Loans, but at the same time have manifested the utmost chearfulness in contributing their proportion of the expences by taxes: And whereas from the great plenty of money diffused throughout these United States, large Taxes may be assessed without burdening or distressing the good citizens of these United States, and, no time can be more seasonable than the present for diminishing the public debt, and, Congress being called upon by every motive to preserve the public faith pledged in those emissions, and to prevent the discontents and mischiefs which must follow a further depreciation of the paper money, and firmly relying on the wisdom and public spirit of the Legislatures of these United States, to support and effectuate every measure which shall be necessary for these important purposes,

*Resolved*, Therefore, that these United States be called upon, in addition to the sum required by resolution of Congress of the 2d of January last, for their respective quotas of million of Dollars, to be paid into the Continental Treasury before the first day of January next in the proportion following, that is to say:

New Hampshire,	Maryland,
Massachusetts Bay,	Virginia,
Rhode Island,	North Carolina,
Connecticut,	South Carolina,
New York,	Georgia, (Being in-
New Jersey,	vaded is hereafter
Pennsylvania,	to raise her pro-
Delaware,	portion.)

*Resolved*, That the said several sums, or any greater sums which shall be paid by any of the States into the Continental Treasury, shall be passed to their respective credits, on interest, on the same terms as are prescribed by the resolution of Congress passed the 22d November, 1777.<sup>1</sup>

<sup>1</sup> See under May 21, p. 626, post.

(No. V.)

Whereas objections are made to the present institution of the Continental Loan Office, inasmuch as it subjects individuals to a loss of the sums lent on Loan Office Certificates, whenever the same are destroyed, stolen, or taken by the enemy, And whereas many persons are thus discouraged from placing their money in the public Funds, and it is for the interest of the public as well as individuals, that another mode of Loans should be adopted; Therefore,

*Resolved*, That from and after the first of June next, all issues of Continental Loan Office Certificates shall cease, and a record of each sum to be borrowed on the faith of the United States, shall be kept by the Commissioner receiving it, in a book to be entitled, a Register of Continental Loans in the State of .

That such records be made on the left hand pages of the Registers, signed by the Commissioners and countersigned by the Proprietors of the Loans or their agents respectively, in the manner following, viz. "No.      day of      177. , Received of      of      in the State of      dollars on loan at      per cent, per annum, the interest of which is to be annually paid, and the principal at the end of years in this office, agreeable to a Resolution of Congress of 177 ,      countersigned      signed      Commissioner, (or agent to) of the Continental Loan Office in the State of      ."

That in each office such records be numbered from number one progressively.

That indented receipts, in every respect conformable to the records, excepting the countersigning, be issued to the lenders respectively; and when any such receipt is lost, another shall be issued agreeable to the original, with an insertion in the indented margin, of the words "duplicate" or [triplicate as the case may be]. That when interest is paid, the Commissioner shall on the right hand page of the register, opposite to the record of the respective loan, make the following entry:

"177 ,      day of      interest paid on the Loan, No.      to the      day of      177 ." and having provided a receipt book, he shall take therein a receipt in the form following:

"177 , Received of      Commissioner of the Continental Loan Office in the State of      dollars in bills of credit, [or exchange] in full for interest, to the      day      of      on      dollars, lent the      day of      177 , as per record No.      "

That each proprietor shall have always a right to transfer his property in the funds; previous to which, and also to the payment of the principal of any loan that may become due, the Commissioner shall on the left hand page of the register, under the record of the loan to be so transferred or paid, take a discharge in the words following: "177 , day of the United States of America are hereby discharged from all demands on account of dollars lent to them by as by the above record No. "

That such receipts and discharges shall be signed by the respective proprietors, or other persons duly authorised as hereafter directed. That each transfer shall bear date of the latest time to which, the interest of the loan transferred shall have been paid, and be made in the form of a loan, with the following addition, "this being a transfer of the loan, No. dated the day of 177 ."

The Continental Loan Office Certificates, which shall be issued before the 1st June next, may at the option of the respective holders be placed in the funds on the new establishment, and in order thereto, each holder may deliver such certificates to the Commissioner of the Loan Office from whence they were issued, crossing each and cancelling it by a receipt on the back, as follows, "177 , day of Received the principal of Commissioner of the Continental Loan Office in the State of as per record No. signed " whereupon the amount of the certificates so cancelled, shall in the name of such holder be placed in the funds, in the form of a loan, with the following addition,

"This loan having been originally made on the security of Continental Loan Office Certificates, this day cancelled,"

That the interest arising on certificates when cancelled, shall be paid by the Commissioners respectively.

That the Executors or Administrators of any deceased Proprietor, in order to enable them to transfer the principal, or receive the principal or interest of money which he shall have left in the funds, shall lodge in the Loan Office, a copy of the Will, Letter of administration or other instrument by which they may be authorised to act, duly authenticated by the Notary of the place in which such Proprietor resided. That each person employed by any Proprietor, or by his or her Executors or Administrators to transfer the principal, or receive the principal, or interest, of money in the public funds shall previously lodge a power with the respective Commissioners of the Continental Loan Office, duly authenticated as follows,

"State of      day of      177 ,      is hereby authorised to discharge the United States of America from all demands on account of the principal (or interest to the      day of      177 , or the principal and interest) of      dollars lent to the said States, by the      day of 177 , as appears by the record No.      in the Continental Loan Office in the State      ."

which power shall be signed by the Proprietor or his or her Executors, or Administrators, and authenticated by the Notary of the place of their residence respectively.

That each Commissioner of the Continental Loan Office, shall borrow on this establishment, such sums only and for such a term of years as Congress, shall from time to time direct, making duplicate monthly returns agreeable to the following form viz.

"A return of loans made agreeable to a Resolution of Congress of the      of      177 , by      Commissioner of the Continental Loan Office in the State of      from the      day of      to the      day of      177 "

Numbers of the re- cords of the several Loans.	Dates of the loans.	Names of the proprie- tors.	Names of the States in which they reside.	Sums bor- rowed.	Numbers and amount of the loans discharged since last return.	Numbers and amount of Loans re- ceived by transfer since the last return.	Numbers and amount of Loans made by can- celled cer- tificates.

which returns, being signed shall within ten days after the expiration of each month, be delivered to a Notary, to be by him compared with the records and duly authenticated, and shall then be sent by the said Commissioner to the Board of Treasury, and kept as an additional security to the lenders.

That the blanks of the several forms aforesaid shall not be filled up with figures unless to express the dates and numbers.

That each Commissioner shall provide at the public expence a register with printed forms of the records, and a discharge under each record, together with other necessary books and papers for conducting this business, and shall in all other matters relative to returns and accounts, follow the instructions of the Board of Treasury.

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That the lenders shall, at their request be furnished, by the Commissioners respectively with printed copies of the institution of the Loan Office and of the resolutions of Congress for borrowing money.

That for the encouragement of the lenders the Board of Treasury shall estimate the rates of foreign exchange in these United States in the months of June, September, December and March, of this and each succeeding year, and transmit such estimates to the several Commissioners of the Continental Loan Offices, who shall record the same, and when interest is due on any Continental Loan that shall be registered on or before the first of June, 1780, if the rate of exchange appears by the said estimates to be higher than it was at the date of the record of such loan, the interest thereon shall be increased in the same proportion, the lender having always a right to continue his money in the funds until the exchange is reduced to the same rate as when the loan was registered.

That      million of dollars or such a part thereof, as shall be brought into the Continental Loan Offices on, or before the 1st June 1780, be borrowed on the faith of the United States of America, at an interest of 6 per cent per annum to be increased or diminished in proportion to the rise or fall of exchange, agreeable to the preceding plan. That the principal be paid at the end of three years after the date of each loan, and that the Commissioners of the Continental Loan Offices in the several States be authorised to borrow the said sum of      million dollars, agreeable to the following proportions,

New Hampshire,  
Massachusetts Bay,  
Rhode Island,  
Connecticut,  
New York,  
New Jersey,  
Pennsylvania,

Delaware,  
Maryland,  
Virginia,  
North Carolina,  
South Carolina,  
Georgia,

That no sum less than      hundred dollars nor any part of an hundred dollars be received at the said Loan Offices.

(No. VI.)

*Resolved*, That      million of dollars be borrowed on the faith of these United States in annuities for one life at      per cent, and at      per cent for two lives without distinction of age. That the

annuity shall not be for less than 50 dollars on one life and 75 dollars for two lives yearly income. Strangers not naturalized or citizens or subjects of any nation or country may acquire and enjoy the said annuities, which shall not be liable to forfeiture or confiscation even in case of war between the United States and the country of which the annuitant may be a citizen or subject.

That the Board of Treasury be authorised to take the proper measures to carry the said resolution into effect.

(No. VII.)

Whereas unreasonable advantages have been taken of the scarcity of foreign commodities, by forestallers and retailers [to the distress of Individuals and the manifest disadvantage of the public.<sup>1</sup>]

*Resolved*, Therefore, that it be earnestly recommended to the Legislatures of the United States, to enact proper laws for suppressing the mischievous practices of forestalling, and for licensing and regulating the retailers of Foreign commodities restricting them to a moderate and reasonable profit.

The commissioners of claims report,

That there is due to Belcher P. Smith for his services in the Secretary's office, from 20th March to 17th April, 1779, each day included, one hundred and seventy four dollars.

That there is due to David Moseley, his pay and board, for copper plate printing, from the 14 November, 1778, up to the 24th April, 1779, each day included, a balance of three hundred and twenty eight dollars.<sup>2</sup>

*Ordered*, That the said accounts be paid.

~~Mr. [Thomas] McKeon, a delegate for Delaware, attended and took his seat.~~

On motion of Mr. ~~S. Adams~~ [William] Ellery, seconded by Mr. ~~Laurens~~ [William] Floyd,

*Resolved*, That the consideration of the reports of the Boards of Treasury and War be postponed.

On motion of Mr. [Meriwether] Smith, seconded by Mr. [William Henry] Drayton,

<sup>1</sup> These words are inserted in MS.

<sup>2</sup> This report, dated April 19, is in the *Papers of the Continental Congress*, No. 136, III, folio 259.

*Resolved*, That Congress proceed in the order of the day on the report of the committee of thirteen upon foreign affairs.

Congress resumed the consideration of the fifth article in the report, and according to the order of yesterday, the first question debated was, shall Dr. B. Franklin, minister plenipotentiary at the court of France, be recalled? When the question was about to be put, the previous question was moved by Mr. [Gouverneur] Morris, and seconded by Mr. [William Henry] Drayton,

On which the yeas and nays being required by Mr. [Henry] Laurens,

		<i>Delaware,</i>	
<i>New Hampshire,</i>		Mr. M'Kean,	no } no
Mr. Whipple,	no }		
<i>Massachusetts Bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	no }	Mr. Plater,	ay }
Gerry,	ay }	Paca,	no }
Lovell,	no }	Carmichael,	ay }
Holten,	no }	Henry,	no }
<i>Rhode Island,</i>		<i>Virginia,</i>	
Mr. Ellery,	no }	Mr. T. Adams,	no }
Collins,	ay }	Smith,	no }
<i>Connecticut,</i>		R. H. Lee,	no }
Mr. Spencer,	no } *	Griffin,	ay }
<i>New York,</i>		Nelson,	no }
Mr. Jay	ay }	<i>North Carolina,</i>	
Duane,	ay }	Mr. Penn,	ay }
Morris,	ay }	Burke,	ay }
Floyd,	ay }	Sharpe,	ay }
Lewis,	no }	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Laurens,	no }
Mr. Fell.	ay } *	Drayton,	ay }
<i>Pennsylvania,</i>			} div.
Mr. Armstrong,	no }		
Shippen,	no }		
Atlee,	no }		
Searle,	no }		
Muhlenberg,	no }		
Wynkoop,	ay }		